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BILL 97

Government Bill

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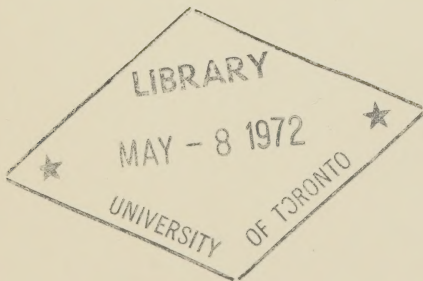
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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

*Legislative assembly*

## An Act to amend The Marine Insurance Act

THE HON. E. WINKLER  
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



EXPLANATORY NOTE

The Bill authorizes the writing of marine insurance on maritime risks on inland waterways. At the present, such marine insurance is authorized only if the voyage is an extension of a sea voyage. The amendment also authorizes insurance of air risks incidental to sea or inland waterway voyages.



BILL 97

1972

## An Act to amend The Marine Insurance Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 3 of *The Marine Insurance Act*, s. 3 (1), being chapter 260 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (1) A contract of marine insurance may, by its express terms or usage of the trade, be written so as to protect the assured against losses on inland waters, or may be extended so as to protect the assured against losses on any land or air risk that may be incidental to any sea or inland water voyage.

**2.** This Act comes into force on the day it receives Royal Assent.

**3.** This Act may be cited as *The Marine Insurance Amendment Act, 1972*.

An Act to amend  
The Marine Insurance Act

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*1st Reading*

April 27th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. E. WINKLER  
Minister of Consumer  
and Commercial Relations

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*(Government Bill)*

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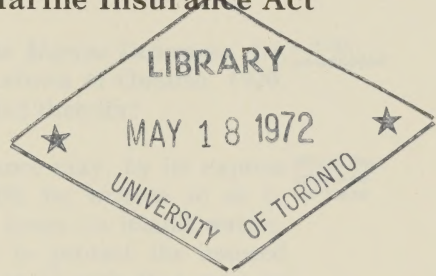
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**BILL 97**

Government  
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Marine Insurance Act**



THE HON. E. WINKLER  
Minister of Consumer and Commercial Relations

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL 97

1972

## An Act to amend The Marine Insurance Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 3 of *The Marine Insurance Act*, <sup>s. 3 (1), re-enacted</sup> being chapter 260 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (1) A contract of marine insurance may, by its express <sup>Mixed sea, land and air risks</sup> terms or usage of the trade, be written so as to protect the assured against losses on inland waters, or may be extended so as to protect the assured against losses on any land or air risk that may be incidental to any sea or inland water voyage.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.<sup>ment</sup>

**3.** This Act may be cited as *The Marine Insurance Amend-* <sup>Short title</sup> *ment Act, 1972.*



An Act to amend  
The Marine Insurance Act

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*1st Reading*

April 27th, 1972

*2nd Reading*

May 2nd, 1972

*3rd Reading*

May 2nd, 1972

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THE HON. E. WINKLER  
Minister of Consumer  
and Commercial Relations

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BILL 98

Government  
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Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Judicature Act**

THE HON. D. A. BALES  
Attorney General



#### EXPLANATORY NOTE

The amendment removes doubt that the provision for appeals to the Divisional Court from a master includes appeals from local masters and local judges.



BILL 98

1972

## An Act to amend The Judicature Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of subsection 1 of section 17 of *The Judicature Act*, <sup>s. 17 (1) (*f*), re-enacted</sup> being chapter 228 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 57, section 1, is repealed and the following substituted therefor:

(*f*) all appeals from final judgments or orders of the master, local judge, local master, or other officer of the Supreme Court, except final judgments or orders made by a local judge under the *Divorce Act* <sup>R.S.C. 1970, c. D-8</sup> (Canada).

2. This Act shall be deemed to have come into force on the <sup>Commence-</sup>17th day of April, 1972.  
ment

3. This Act may be cited as *The Judicature Amendment* <sup>Short title</sup>  
*Act, 1972.*

An Act to amend  
The Judicature Act

---

*1st Reading*

April 28th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. D. A. BALES  
Attorney General

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(*Government Bill*)

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Government  
Publications

**BILL 98**

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Judicature Act**

THE HON. D. A. BALES  
Attorney General







BILL 98

1972

## An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of subsection 1 of section 17 of *The Judicature Act*, <sup>s. 17 (1) (f),</sup> <sup>re-enacted</sup> being chapter 228 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 57, section 1, is repealed and the following substituted therefor:

(f) all appeals from final judgments or orders of the master, local judge, local master, or other officer of the Supreme Court, except final judgments or orders made by a local judge under the *Divorce Act* <sup>R.S.C. 1970,</sup> <sup>c. D-8</sup> (Canada).

2. This Act shall be deemed to have come into force on the <sup>Commence-</sup> 17th day of April, 1972. <sup>ment</sup>

3. This Act may be cited as *The Judicature Amendment* <sup>Short title</sup> Act, 1972.

An Act to amend  
The Judicature Act

---

*1st Reading*

April 28th, 1972

*2nd Reading*

May 16th, 1972

*3rd Reading*

May 16th, 1972

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THE HON. D. A. BALES  
Attorney General

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Government  
Publications

BILL 99

Government Bill

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

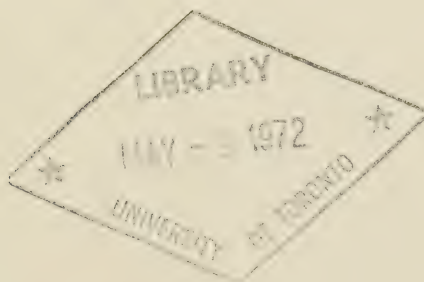
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**An Act to amend The Quieting Titles Act**

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THE HON. D. A. BALES  
Attorney General

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TORONTO

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#### EXPLANATORY NOTE

The amendment changes the reference to masters of titles to read local masters of the Supreme Court and corrects an error made in the 1970 revision of the statutes.



BILL 99

1972

## An Act to amend The Quieting Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 42 of *The Quieting Titles Act*, being chapter 396 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: <sup>s. 42, re-enacted</sup>

42. Every local master of the Supreme Court is local referee of titles and, where the proceedings under the petition are to be conducted at Toronto, the Inspector of Titles is Referee of Titles. <sup>Referees of Titles</sup>

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-ment</sup>

3. This Act may be cited as *The Quieting Titles Amendment Act, 1972*. <sup>Short title</sup>

An Act to amend  
The Quieting Titles Act

---

*1st Reading*

April 28th, 1972

*2nd Reading*

*3rd Reading*

---

THE HON. D. A. BALES  
Attorney General

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*(Government Bill)*

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Publication

BILL 99

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972 IX

**An Act to amend The Quieting Titles Act**



THE HON. D. A. BALES  
Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL 99

1972

## An Act to amend The Quieting Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 42 of *The Quieting Titles Act*, being chapter 396 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: <sup>s. 42, re-enacted</sup>

42. Every local master of the Supreme Court is local referee of titles and, where the proceedings under the petition are to be conducted at Toronto, the Inspector of Titles is Referee of Titles. <sup>Referees of Titles</sup>

2. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

3. This Act may be cited as *The Quieting Titles Amendment Act, 1972*. <sup>Short title</sup>



An Act to amend  
The Quietng Titles Act

---

*1st Reading*

April 28th, 1972

*2nd Reading*

May 16th, 1972

*3rd Reading*

May 16th, 1972

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THE HON. D. A. BALES  
Attorney General

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

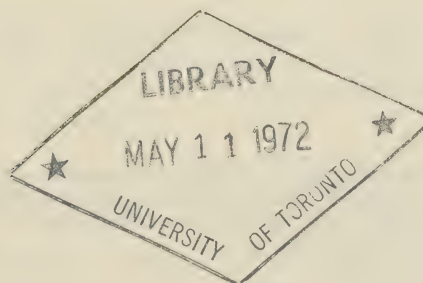
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**An Act to amend The Matrimonial Causes Act**

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THE HON. D. A. BALES  
Attorney General

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#### EXPLANATORY NOTES

SECTION 1.—Subsection 1. The amendments update the terminology referring to petitions for divorce and the Official Guardian's function is extended to actions for annulment where children are involved.

Subsection 2. At present the Official Guardian is required to attend the trial. The amendment makes attendance compulsory only where the court thinks it necessary, and otherwise the Official Guardian has the right to attend if he thinks it necessary.

Subsections 3 and 4. The Official Guardian's fees are to be prescribed under *The Administration of Justice Act* and both the fees and disbursements are payable by the petitioner or plaintiff and recoverable as costs of the action.

## An Act to amend The Matrimonial Causes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 6 of *The Matrimonial Causes Act*, being chapter 265 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (2) Where a petition or counter-petition for divorce or the statement of claim in an action for the annulment of a marriage contains particulars of any child of the marriage who, at the time of the commencement of the action,

(a) is under sixteen years of age; or

(b) is sixteen or seventeen years of age and is in full-time attendance at an educational institution or through illness or infirmity is unable to earn a livelihood,

the Official Guardian shall cause an investigation to be made and shall report to the court upon all matters relating to the custody, maintenance and education of the child.

(2) Subsection 5 of the said section 6 is repealed and the following substituted therefor:

- (5) Where the facts contained in the report are disputed, the Official Guardian or his agent shall if directed by the court, and may when not so directed, attend the trial on behalf of the child and cause the person making the investigation to attend as a witness.

(3) Subsections 7 and 8 of the said section 6 are repealed and the following substituted therefor:

Payment of  
fees and  
disburse-  
ments

- (7) The petitioner in a petition for divorce or the plaintiff in an action for annulment shall pay such fees for and disbursements arising from an investigation in respect of the petition or action as are prescribed under *The Administration of Justice Act*.

R.S.O. 1970,  
c. 6

Idem

- (8) The Official Guardian shall not file his report to the investigation with the court until such fees and disbursements have been paid unless otherwise directed by the court.

s. 6 (11),  
re-enacted

- (4) Subsection 11 of the said section 6 is repealed and the following substituted therefor:

Fees, etc.,  
deemed costs  
in action

- (11) The fees and disbursements of the Official Guardian payable under subsection 7 shall be deemed to be costs incurred in the action for the purposes of any award as to costs by the judge.

Application  
of section

- (5) This section applies in respect of a petition filed or action commenced on or after the 1st day of April, 1972.

Commence-  
ment

- 2.** This Act shall be deemed to have come into force on the 1st day of April, 1972.

Short title

- 3.** This Act may be cited as *The Matrimonial Causes Amendment Act, 1972*.









An Act to amend  
The Matrimonial Causes Act

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*1st Reading*

April 28th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. D. A. BALES  
Attorney General

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*(Government Bill)*

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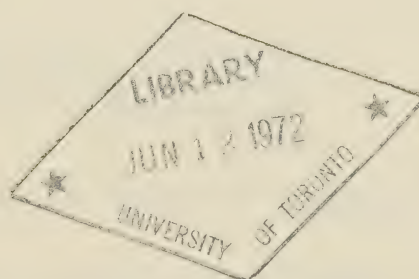
Government  
Publications

**BILL 100**

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Matrimonial Causes Act**

THE HON. D. A. BALES  
Attorney General







## An Act to amend The Matrimonial Causes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 6 of *The Matrimonial Causes Act*, being chapter 265 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: <sup>s. 6 (2), re-enacted</sup>

- (2) Where a petition or counter-petition for divorce or the statement of claim in an action for the annulment of a marriage contains particulars of any child of the marriage who, at the time of the commencement of the action, <sup>Official Guardian's report</sup>

(a) is under sixteen years of age; or

(b) is sixteen or seventeen years of age and is in full-time attendance at an educational institution or through illness or infirmity is unable to earn a livelihood,

the Official Guardian shall cause an investigation to be made and shall report to the court upon all matters relating to the custody, maintenance and education of the child.

(2) Subsection 5 of the said section 6 is repealed and the following substituted therefor: <sup>s. 6 (5), re-enacted</sup>

- (5) Where the facts contained in the report are disputed, the Official Guardian or his agent shall if directed by the court, and may when not so directed, attend the trial on behalf of the child and cause the person making the investigation to attend as a witness. <sup>Attendance at trial</sup>

(3) Subsections 7 and 8 of the said section 6 are repealed and the following substituted therefor: <sup>s. 6 (7, 8), re-enacted</sup>

Payment of  
fees and  
disburse-  
ments

- (7) The petitioner in a petition for divorce or the plaintiff in an action for annulment shall pay such fees for and disbursements arising from an investigation in respect of the petition or action as are prescribed under *The Administration of Justice Act*.

R.S.O. 1970,  
c. 6

Idem

- (8) The Official Guardian shall not file his report to the investigation with the court until such fees and disbursements have been paid unless otherwise directed by the court.

s. 6 (11),  
re-enacted

- (4) Subsection 11 of the said section 6 is repealed and the following substituted therefor:

Fees, etc.,  
deemed costs  
in action

- (11) The fees and disbursements of the Official Guardian payable under subsection 7 shall be deemed to be costs incurred in the action for the purposes of any award as to costs by the judge.

Application  
of section

- (5) This section applies in respect of a petition filed or action commenced on or after the 1st day of April, 1972.

Commence-  
ment

- 2.** This Act shall be deemed to have come into force on the 1st day of April, 1972.

Short title

- 3.** This Act may be cited as *The Matrimonial Causes Amendment Act, 1972*.









An Act to amend  
The Matrimonial Causes Act

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*1st Reading*

April 28th, 1972

*2nd Reading*

May 16th, 1972

*3rd Reading*

May 16th, 1972

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THE HON. D. A. BALES  
Attorney General

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

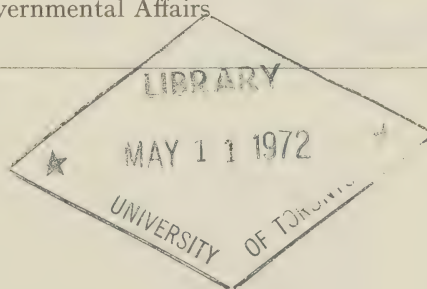
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**An Act to amend  
The Regional Municipality of Niagara Act**

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1.—Subsection 1. Subsection 1 of section 3 prescribes the composition of the council of each area municipality; the subsection added permits the Minister to vary the composition of any area municipality council on its request.

Subsection 2. Subsection 2 empowers the Minister to make certain orders in connection with the municipal elections for the years 1973 and 1974.

## An Act to amend The Regional Municipality of Niagara Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 3 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

s. 3,  
amended

(1a) Notwithstanding subsection 1, the Minister may, on the request of any area municipality, by order, vary the composition of the council of such area municipality.

Minister  
may vary  
composition  
of council

(2) Subsection 3 of the said section 3 is repealed and the following substituted therefor:

s. 3 (3),  
re-enacted

(3) For the purposes of the elections of the councils of the area municipalities for the years 1973 and 1974, the Minister may by order,

Elections  
1972

- (a) redivide into wards the Town of Lincoln, the Town of Fort Erie, the City of Niagara Falls, the Town of Pelham, the City of Port Colborne, the City of St. Catharines, the City of Welland or the Township of West Lincoln, all as constituted by section 2, and make provision for the respective number of aldermen to be elected in the respective wards;
- (b) with respect to the City of Niagara Falls, make provision that only persons whose principal place of residence was continuously from the 1st day of January, 1972 to the date of nomination in such wards are eligible to be elected as aldermen for such wards; and
- (c) provide for such other matters as he considers necessary to hold the elections.

s. 3 (5),  
repealed

(3) Subsection 5 of the said section 3 is repealed.

s. 27a,  
enacted

**2.** The said Act is amended by adding thereto the following section:

Construction,  
etc., of  
waterworks  
system

**27a.** The Regional Corporation may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up works for the production, treatment and storage of water and trunk distribution mains connected therewith.

s. 28 (6),  
re-enacted

**3.** Subsection 6 of section 28 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 32 (2),  
repealed

**4.** Subsection 2 of section 32 of the said Act is repealed.

s. 42 (2),  
amended

**5.** Subsection 2 of section 42 of the said Act is amended by striking out "not exceeding one-half of 1 per cent for each month or fraction thereof" in the fourth and fifth lines and inserting in lieu thereof "of 12 per cent per annum, or such lower rate as the Regional Council determines".

s. 50 (6),  
re-enacted

**6.** Subsection 6 of section 50 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 70 (2),  
amended

**7.** Subsection 2 of section 70 of the said Act is amended by adding at the end thereof "expressed by resolution".

s. 114 (6),  
re-enacted

**8.** Subsection 6 of section 114 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the

Subsection 3. The provisions contained in the repealed subsection are now embodied in subsection 2 of this section.

SECTION 2. The authority of the Regional Corporation to construct, maintain and enlarge water supply facilities is clarified; similar authority presently exists in respect of sewage facilities.

SECTION 3. The permissible interest rate chargeable by an area municipality in respect of overdue payments to it by the Regional Corporation on account of waterworks assumption is doubled.

SECTION 4. The subsection repealed permits the Regional Corporation to continue to fluoridate water supplied to an area where the water was fluoridated prior to January 1st, 1970, as a result of an affirmative vote under *The Fluoridation Act, 1960-61*; a complementary amendment to *The Fluoridation Act* will place the Regional Corporation on the same footing as other municipalities in respect of the fluoridation of water.

SECTION 5. Similar in intent to section 3 of the Bill, in relation to the penalty for late payment for water supplied.

SECTION 6. Similar in intent to section 3 of the Bill, in relation to the penalty for late payment on account of sewage works assumption.

SECTION 7. The subsection amended requires the approval of the Regional Council to the construction of sidewalks, sewers, etc., on a regional road by an area municipality; the words added will permit the approval to be expressed by resolution of the Regional Council.

SECTION 8. Similar in intent to section 3 of the Bill, in relation to the penalty for late payment on account of police buildings assumption.

SECTION 9. The amendment reflects the transfer to the Ministry of Revenue of the assessment functions formerly under the Department of Municipal Affairs.

SECTION 10. The subsections repealed relate to surplus or operating deficits in relation to the year 1970 and are spent; the re-enacted subsection provides for the apportionment of taxes collected on supplementary assessments and the charging back in respect of assessment lost following a reduction on an appeal.

SECTION 11. The amendment is designed to make it clear that the Regional Council may temporarily borrow moneys until other revenues, as well as the levies for the year, are received.

SECTION 12. The authority to obtain temporary advances pending the issue or sale of debentures following Municipal Board approval is extended to area municipality councils as well as the Regional Council, where the debenture issue is for the purposes of the area municipality.

SECTION 13.—Subsection 1. The issue of instalment debentures is authorized; similar authority now exists in *The Municipal Act* for local municipalities having a population of 20,000 or over.



Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

**9.** Section 116 of the said Act is amended by adding <sup>s. 116, amended</sup> thereto the following subsection:

- (2) In sections 119, 120 and 122 "Department" means the <sup>Idem</sup> Ministry of Revenue.

**10.** Subsections 3 and 4 of section 118 of the said Act <sup>s. 118 (3), re-enacted, s. 118 (4), repealed</sup> are repealed and the following substituted therefor:

- (3) Section 43 of *The Assessment Act* and section 606 of <sup>Application of R.S.O. 1970, cc. 32, 284</sup> *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

**11.** Subsection 1 of section 130 of the said Act is amended by <sup>s. 130 (1), amended</sup> inserting after "levies" in the sixth line "and other revenues".

**12.** Subsection 2 of section 134 of the said Act is repealed <sup>s. 134 (2), re-enacted</sup> and the following substituted therefor:

- (2) When the Municipal Board has authorized the borrow- <sup>Idem</sup> ing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

**13.**—(1) Section 135 of the said Act is amended by adding <sup>s. 135, amended</sup> thereto the following subsections:

- (6a) Notwithstanding subsection 5, the Regional Council <sup>Instalment debentures and debentures to refund existing debentures at maturity</sup> may by by-law,
- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment



of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

- (*b*) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

- (*6b*) Any special levy against an area municipality imposed by the by-law under the authority of subsection *6a* may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection *6a*, and any levy imposed by a by-law under clause *b* of subsection *6a* shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection *6a* was levied.

s. 135 (18),  
amended

- (2) Subsection 18 of the said section 135 is amended by adding "or" at the end of clause *c* and by adding thereto the following clause:

- (*d*) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States or Great Britain.

Subsection 2. The amendment permits debentures to be made payable in a currency other than that of Canada, the United States or Great Britain; similar authority now exists in *The Municipal Act* for local municipalities having a population of 75,000 or more.

Subsection 3. The amendment is complementary to subsection 2 of this section.

Subsection 4. The interest rate to be applied in determining the amount of principal to be raised in each year in respect of sinking fund debentures is increased from  $3\frac{1}{2}$  per cent per annum to 5 per cent per annum.

Subsection 5. Two of the three members of the sinking fund committee will now be appointed by the Regional Council rather than the Lieutenant Governor in Council, and their remuneration will be in the discretion of the Regional Council.

Subsection 6. The use of a sinking fund surplus to reduce the next annual levy on account of principal and interest of regional or area debentures will not now require Municipal Board approval.

SECTION 14. The reference added is to section 354 (1), paragraph 61, of *The Municipal Act*; the effect is to empower the Regional Corporation to appoint a surveyor and one or more engineers who will have the power to enter on private lands conferred by section 6 of *The Surveys Act*.

(3) Subsection 19 of the said section 135 is amended by <sup>s. 135 (19),  
amended</sup> inserting after "Britain" in the third line "or in any currency other than that of Canada".

(4) Subsection 20 of the said section 135 is amended by <sup>s. 135 (20),  
amended</sup> striking out "3½" in the third line and inserting in lieu thereof "5".

(5) Subsections 22 and 23 of the said section 135 are repealed <sup>s. 135 (22, 23),  
re-enacted</sup> and the following substituted therefor:

(22) When sinking fund debentures are issued, there shall <sup>Sinking  
fund</sup> be a sinking fund committee that shall be composed <sup>committee</sup> of the financial officer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

(23) The Regional Council may appoint an alternate <sup>Alternate  
members</sup> member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(6) Subclause ii of clause b of subsection 40 of the said section <sup>s. 135 (40)  
(b) (ii),</sup> 135 is amended by striking out "subject to the approval of <sup>amended</sup> the Municipal Board" in the first line.

**14.** Subsection 1 of section 154 of the said Act is repealed <sup>s. 154 (1),  
re-enacted</sup> and the following substituted therefor:

(1) Section 5, Parts XV, XVI, XVII, and XXI, sections <sup>Application  
of R.S.O. 1970,  
c. 284</sup> 249 and 254, paragraphs 3 and 24 of section 352, paragraph 61 of subsection 1 of section 354 and section 394 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

**15.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**16.** This Act may be cited as *The Regional Municipality* <sup>Short title</sup> of *Niagara Amendment Act, 1972*.

An Act to amend The Regional  
Municipality of Niagara Act

---

*1st Reading*

April 28th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

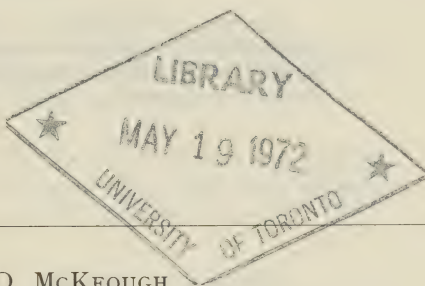
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*(Government Bill)*

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2ND SESSION, 29TH LEGISLATURE, ONTARIO,  
21 ELIZABETH II, 1972 III

**An Act to amend  
The Regional Municipality of Niagara Act**



THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

*(Reprinted as amended by the Committee of the Whole House)*

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1.—Subsection 1. Subsection 1 of section 3 prescribes the composition of the council of each area municipality; the subsection added permits the Minister to vary the composition of any area municipality council on its request.

Subsection 2. Subsection 2 empowers the Minister to make certain orders in connection with the municipal elections for the years 1973 and 1974.



## An Act to amend The Regional Municipality of Niagara Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 3 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(1a) Notwithstanding subsection 1, the Minister may, on the request of any area municipality, by order, vary the composition of the council of such area municipality.

(2) Subsection 3 of the said section 3 is repealed and the following substituted therefor:

(3) For the purposes of the elections of the councils of the area municipalities for the years 1973 and 1974, the Minister may by order,

(a) redivide into wards the Town of Lincoln, the Town of Fort Erie, the City of Niagara Falls, the Town of Pelham, the City of Port Colborne, the City of St. Catharines, the City of Welland or the Township of West Lincoln, all as constituted by section 2, and make provision for the respective number of aldermen to be elected in the respective wards;

(b) with respect to the City of Niagara Falls, make provision that only persons whose principal place of residence was continuously from the 1st day of January, 1972 to the date of nomination in such wards are eligible to be elected as aldermen for such wards; and

(c) provide for such other matters as he considers necessary to hold the elections.



s. 3 (5),  
repealed

(3) Subsection 5 of the said section 3 is repealed.

s. 27a,  
enacted

**2.** The said Act is amended by adding thereto the following section:

Construction,  
etc., of  
waterworks  
system

**27a.** The Regional Corporation may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up works for the production, treatment and storage of water and trunk distribution mains connected therewith.

s. 28 (6),  
re-enacted

**3.** Subsection 6 of section 28 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 32 (2),  
repealed

**4.** Subsection 2 of section 32 of the said Act is repealed.

s. 42 (2),  
amended

**5.** Subsection 2 of section 42 of the said Act is amended by striking out "not exceeding one-half of 1 per cent for each month or fraction thereof" in the fourth and fifth lines and inserting in lieu thereof "of 12 per cent per annum, or such lower rate as the Regional Council determines".

s. 50 (6),  
re-enacted

**6.** Subsection 6 of section 50 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 70 (2),  
amended

**7.** Subsection 2 of section 70 of the said Act is amended by adding at the end thereof "expressed by resolution".

s. 114 (6),  
re-enacted

**8.** Subsection 6 of section 114 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the

Subsection 3. The provisions contained in the repealed subsection are now embodied in subsection 2 of this section.

SECTION 2. The authority of the Regional Corporation to construct, maintain and enlarge water supply facilities is clarified; similar authority presently exists in respect of sewage facilities.

SECTION 3. The permissible interest rate chargeable by an area municipality in respect of overdue payments to it by the Regional Corporation on account of waterworks assumption is doubled.

SECTION 4. The subsection repealed permits the Regional Corporation to continue to fluoridate water supplied to an area where the water was fluoridated prior to January 1st, 1970, as a result of an affirmative vote under *The Fluoridation Act, 1960-61*; a complementary amendment to *The Fluoridation Act* will place the Regional Corporation on the same footing as other municipalities in respect of the fluoridation of water.

SECTION 5. Similar in intent to section 3 of the Bill, in relation to the penalty for late payment for water supplied.

SECTION 6. Similar in intent to section 3 of the Bill, in relation to the penalty for late payment on account of sewage works assumption.

SECTION 7. The subsection amended requires the approval of the Regional Council to the construction of sidewalks, sewers, etc., on a regional road by an area municipality; the words added will permit the approval to be expressed by resolution of the Regional Council.

SECTION 8. Similar in intent to section 3 of the Bill, in relation to the penalty for late payment on account of police buildings assumption.

SECTION 9. The amendment reflects the transfer to the Ministry of Revenue of the assessment functions formerly under the Department of Municipal Affairs.

SECTION 10. The subsections repealed relate to surplus or operating deficits in relation to the year 1970 and are spent; the re-enacted subsection provides for the apportionment of taxes collected on supplementary assessments and the charging back in respect of assessment lost following a reduction on an appeal.

SECTION 11. The amendment is designed to make it clear that the Regional Council may temporarily borrow moneys until other revenues, as well as the levies for the year, are received.

SECTION 12. The authority to obtain temporary advances pending the issue or sale of debentures following Municipal Board approval is extended to area municipality councils as well as the Regional Council, where the debenture issue is for the purposes of the area municipality.

SECTION 13.—Subsection 1. The issue of instalment debentures is authorized; similar authority now exists in *The Municipal Act* for local municipalities having a population of 20,000 or over.

Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

**9.** Section 116 of the said Act is amended by adding <sup>s. 116, amended</sup> thereto the following subsection:

- (2) In sections 119, 120 and 122 "Department" means the <sup>Idem</sup> Ministry of Revenue.

**10.** Subsections 3 and 4 of section 118 of the said Act <sup>s. 118 (3), re-enacted, s. 118 (4), repealed</sup> are repealed and the following substituted therefor:

- (3) Section 43 of *The Assessment Act* and section 606 of <sup>Application of R.S.O. 1970, cc. 32, 284</sup> *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

**11.** Subsection 1 of section 130 of the said Act is amended by <sup>s. 130 (1), amended</sup> inserting after "levies" in the sixth line "and other revenues".

**12.** Subsection 2 of section 134 of the said Act is repealed <sup>s. 134 (2), re-enacted</sup> and the following substituted therefor:

- (2) When the Municipal Board has authorized the borrow- <sup>Idem</sup> ing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

**13.—(1)** Section 135 of the said Act is amended by adding <sup>s. 135, amended</sup> thereto the following subsections:

- (6a) Notwithstanding subsection 5, the Regional Council <sup>Instalment debentures and debentures to refund existing debentures at maturity</sup> may by by-law,
- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment

of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded ; and

- (*b*) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

- (*6b*) Any special levy against an area municipality imposed by the by-law under the authority of subsection *6a* may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection *6a*, and any levy imposed by a by-law under clause *b* of subsection *6a* shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection *6a* was levied.

s. 135 (18),  
amended

(2) Subsection 18 of the said section 135 is amended by adding “or” at the end of clause *c* and by adding thereto the following clause:

- (*d*) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States or Great Britain.



Subsection 2. The amendment permits debentures to be made payable in a currency other than that of Canada, the United States or Great Britain; similar authority now exists in *The Municipal Act* for local municipalities having a population of 75,000 or more.

Subsection 3. The amendment is complementary to subsection 2 of this section.

Subsection 4. The interest rate to be applied in determining the amount of principal to be raised in each year in respect of sinking fund debentures is increased from  $3\frac{1}{2}$  per cent per annum to 5 per cent per annum.

Subsection 5. Two of the three members of the sinking fund committee will now be appointed by the Regional Council rather than the Lieutenant Governor in Council, and their remuneration will be in the discretion of the Regional Council.

Subsection 6. The use of a sinking fund surplus to reduce the next annual levy on account of principal and interest of regional or area debentures will not now require Municipal Board approval.

SECTION 14. The reference added is to section 354 (1), paragraph 61, of *The Municipal Act*; the effect is to empower the Regional Corporation to appoint a surveyor and one or more engineers who will have the power to enter on private lands conferred by section 6 of *The Surveys Act*.

(3) Subsection 19 of the said section 135 is amended by inserting after "Britain" in the third line "or in any currency other than that of Canada". <sup>s. 135 (19), amended</sup>

(4) Subsection 20 of the said section 135 is amended by striking out " $3\frac{1}{2}$ " in the third line and inserting in lieu thereof "5". <sup>s. 135 (20), amended</sup>

(5) Subsections 22 and 23 of the said section 135 are repealed and the following substituted therefor: <sup>s. 135 (22, 23), re-enacted</sup>

(22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the financial officer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. <sup>Sinking fund committee</sup>

(23) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member. <sup>Alternate members</sup>

(6) Subclause ii of clause *b* of subsection 40 of the said section 135 is amended by striking out "subject to the approval of the Municipal Board" in the first line. <sup>s. 135 (40) (b) (ii), amended</sup>

**14.** Subsection 1 of section 154 of the said Act is repealed and the following substituted therefor: <sup>s. 154 (1), re-enacted</sup>

(1) Section 5, Parts XV, XVI, XVII, and XXI, sections 249 and 254, paragraphs 3 and 24 of section 352, paragraph 61 of subsection 1 of section 354 and section 394 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. <sup>Application of R.S.O. 1970, c. 284</sup>

**15.**—(1) This Act, except section 4, comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

(2) Section 4 comes into force on a day to be named by the Lieutenant Governor in Council. <sup>Idem</sup>

**16.** This Act may be cited as *The Regional Municipality of Niagara Amendment Act, 1972*. <sup>Short title</sup>



An Act to amend The Regional  
Municipality of Niagara Act

---

*1st Reading*

April 28th, 1972

*2nd Reading*

May 9th, 1972

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Reprinted as amended by the  
Committee of the Whole House)*

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Government  
Publications

**BILL 101**

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend  
The Regional Municipality of Niagara Act**

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL 101

1972

## An Act to amend The Regional Municipality of Niagara Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 3 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(1a) Notwithstanding subsection 1, the Minister may, on the request of any area municipality, by order, vary the composition of the council of such area municipality.

(2) Subsection 3 of the said section 3 is repealed and the following substituted therefor:

(3) For the purposes of the elections of the councils of the area municipalities for the years 1973 and 1974, the Minister may by order,

(a) redivide into wards the Town of Lincoln, the Town of Fort Erie, the City of Niagara Falls, the Town of Pelham, the City of Port Colborne, the City of St. Catharines, the City of Welland or the Township of West Lincoln, all as constituted by section 2, and make provision for the respective number of aldermen to be elected in the respective wards;

(b) with respect to the City of Niagara Falls, make provision that only persons whose principal place of residence was continuously from the 1st day of January, 1972 to the date of nomination in such wards are eligible to be elected as aldermen for such wards; and

(c) provide for such other matters as he considers necessary to hold the elections.

s. 3 (5),  
repealed

(3) Subsection 5 of the said section 3 is repealed.

s. 27a,  
enacted

**2.** The said Act is amended by adding thereto the following section:

Construction,  
etc., of  
waterworks  
system

**27a.** The Regional Corporation may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up works for the production, treatment and storage of water and trunk distribution mains connected therewith.

s. 28 (6),  
re-enacted

**3.** Subsection 6 of section 28 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 32 (2),  
repealed

**4.** Subsection 2 of section 32 of the said Act is repealed. \*

s. 42 (2),  
amended

**5.** Subsection 2 of section 42 of the said Act is amended by striking out "not exceeding one-half of 1 per cent for each month or fraction thereof" in the fourth and fifth lines and inserting in lieu thereof "of 12 per cent per annum, or such lower rate as the Regional Council determines".

s. 50 (6),  
re-enacted

**6.** Subsection 6 of section 50 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 70 (2),  
amended

**7.** Subsection 2 of section 70 of the said Act is amended by adding at the end thereof "expressed by resolution".

s. 114 (6),  
re-enacted

**8.** Subsection 6 of section 114 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the

Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

**9.** Section 116 of the said Act is amended by adding <sup>s. 116, amended</sup> thereto the following subsection:

- (2) In sections 119, 120 and 122 “Department” means the <sup>Idem</sup> Ministry of Revenue.

**10.** Subsections 3 and 4 of section 118 of the said Act <sup>s. 118 (3), re-enacted, s. 118 (4), repealed</sup> are repealed and the following substituted therefor:

- (3) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the <sup>Application of R.S.O. 1970, cc. 32, 284</sup> Regional Corporation.

**11.** Subsection 1 of section 130 of the said Act is amended by <sup>s. 130 (1), amended</sup> inserting after “levies” in the sixth line “and other revenues”.

**12.** Subsection 2 of section 134 of the said Act is repealed <sup>s. 134 (2), re-enacted</sup> and the following substituted therefor:

- (2) When the Municipal Board has authorized the borrow- <sup>Idem</sup> ing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

**13.—**(1) Section 135 of the said Act is amended by adding <sup>s. 135, amended</sup> thereto the following subsections:

- (6a) Notwithstanding subsection 5, the Regional Council may by by-law, <sup>Instalment debentures and debentures to refund existing debentures at maturity</sup>
- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment



of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

- (*b*) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

- (6*b*) Any special levy against an area municipality imposed by the by-law under the authority of subsection 6*a* may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 6*a*, and any levy imposed by a by-law under clause *b* of subsection 6*a* shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 6*a* was levied.

s. 135 (18),  
amended

- (2) Subsection 18 of the said section 135 is amended by adding "or" at the end of clause *c* and by adding thereto the following clause:

- (*d*) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States or Great Britain.

(3) Subsection 19 of the said section 135 is amended by <sup>s. 135 (19),  
amended</sup> inserting after "Britain" in the third line "or in any currency other than that of Canada".

(4) Subsection 20 of the said section 135 is amended by <sup>s. 135 (20),  
amended</sup> striking out "3½" in the third line and inserting in lieu thereof "5".

(5) Subsections 22 and 23 of the said section 135 are repealed <sup>s. 135 (22, 23),  
re-enacted</sup> and the following substituted therefor:

(22) When sinking fund debentures are issued, there shall <sup>Sinking  
fund</sup> be a sinking fund committee that shall be composed <sup>committee</sup> of the financial officer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

(23) The Regional Council may appoint an alternate <sup>Alternate  
members</sup> member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(6) Subclause ii of clause b of subsection 40 of the said section <sup>s. 135 (40)  
(b) (ii),</sup> 135 is amended by striking out "subject to the approval of <sup>amended</sup> the Municipal Board" in the first line.

**14.** Subsection 1 of section 154 of the said Act is repealed <sup>s. 154 (1),  
re-enacted</sup> and the following substituted therefor:

(1) Section 5, Parts XV, XVI, XVII, and XXI, sections <sup>Application  
of R.S.O. 1970,  
c. 284</sup> 249 and 254, paragraphs 3 and 24 of section 352, paragraph 61 of subsection 1 of section 354 and section 394 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

**15.—**(1) This Act, except section 4, comes into force on <sup>Commence-  
ment</sup> the day it receives Royal Assent.

(2) Section 4 comes into force on a day to be named by the <sup>Idem</sup> Lieutenant Governor by his proclamation.

**16.** This Act may be cited as *The Regional Municipality* <sup>Short title</sup> of Niagara Amendment Act, 1972.



An Act to amend The Regional  
Municipality of Niagara Act

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*1st Reading*

April 28th, 1972

*2nd Reading*

May 9th, 1972

*3rd Reading*

May 11th, 1972

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

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**An Act to amend The District Municipality of Muskoka Act**

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of  
Economics and Intergovernmental Affairs

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The permissible interest rate chargeable by an area municipality in respect of overdue payments to it by the District Corporation on account of sewage treatment works assumption is doubled.

SECTION 2. The effect is to permit the area municipality to be chargeable with the whole or such portion of the capital cost of a sewage work or water-course as the by-law specifies, where the area municipality receives a special benefit therefrom.

SECTION 3. The subsection amended requires the approval of the District Council to the construction of sidewalks, sewers, etc., on a district road by an area municipality; the words added will permit the approval to be expressed by resolution of the District Council.

## An Act to amend The District Municipality of Muskoka Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 29 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, is repealed <sup>s. 29 (6),  
re-enacted</sup> and the following substituted therefor:

- (6) If the District Corporation fails to make any payment <sup>Default</sup> on or before the due date required by clause *b* of subsection 5, the area municipality may charge the District Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

2. Subsection 1 of section 33 of the said Act is repealed <sup>s. 33 (1),  
re-enacted</sup> and the following substituted therefor:

- (1) Where, in the opinion of the District Council, an <sup>Special  
benefit</sup> area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the District Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work, and at any time in respect of the assumption of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the District Corporation the whole or such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

3. Subsection 2 of section 49 of the said Act is amended <sup>s. 49 (2),  
amended</sup> by adding at the end thereof "expressed by resolution".

s. 56 (1),  
amended

**4.** Subsection 1 of section 56 of the said Act is amended by inserting after “by” in the fourth line “resolution of”.

s. 64 (3),  
re-enacted

**5.** Subsection 3 of section 64 of the said Act is repealed and the following substituted therefor:

Default

(3) If the District Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the District Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 89,  
amended

**6.** Section 89 of the said Act is amended by adding thereto the following subsection:

Idem

(2) In sections 92, 94 and 96, “Department” means the Ministry of Revenue.

s. 91,  
amended

**7.** Section 91 of the said Act is amended by adding thereto the following subsection:

Application  
of R.S.O. 1970,  
cc. 32, 284

(3) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation.

s. 106 (1),  
amended

**8.** Subsection 1 of section 106 of the said Act is amended by inserting after “levies” in the sixth line “and other revenues”.

s. 111,  
amended

**9.—(1)** Section 111 of the said Act is amended by adding thereto the following subsections:

Instalment  
debentures  
and  
debentures  
to refund  
existing  
debentures  
at maturity

(6a) Notwithstanding subsection 5, the District Council may by by-law,

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause b, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

SECTION 4. Area municipality traffic by-laws require the approval of the District Council; the amendment permits the approval to be expressed by resolution rather than by by-law.

SECTION 5. Similar in intent to section 1 of the Bill, in relation to the penalty for late payment on account of the addition of a road to the district road system.

SECTION 6. The amendment reflects the transfer to the Ministry of Revenue of the assessment functions formerly under the Department of Municipal Affairs.

SECTION 7. The subsection added provides for the apportionment of taxes collected on supplementary assessments and the charging back in respect of assessment lost following a reduction on an appeal.

SECTION 8. The amendment is designed to make it clear that the District Council may temporarily borrow moneys until other revenues, as well as the levies for the year, are received.

SECTION 9.—Subsection 1. The issue of instalment debentures is authorized; similar authority now exists in *The Municipal Act* for local municipalities having a population of 20,000 or over.

Subsection 2. Two of the three members of the sinking fund committee will now be appointed by the District Council rather than the Lieutenant Governor in Council and their remuneration will be in the discretion of the District Council.



- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

- (6b) Any special levy against an area municipality imposed <sup>Levy</sup> by the by-law under the authority of subsection 6a may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 6a, and any levy imposed by a by-law under clause b of subsection 6a shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause a of subsection 6a was levied.

(2) Subsections 22 and 23 of the said section 111 are <sup>s. 111 (22, 23), re-enacted</sup> repealed and the following substituted therefor:

- (22) When sinking fund debentures are issued, there shall <sup>Sinking fund</sup> be a sinking fund committee that shall be composed of <sup>committee</sup> the treasurer of the District Corporation and two members appointed by the District Council, and the two appointed members may be paid, out of the current fund of the District Corporation, such annual remuneration as the District Council determines.
- (23) The District Council may appoint an alternate <sup>Alternate members</sup> member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

s. 111 (40)  
(b) (ii),  
amended

(3) Subclause ii of clause *b* of subsection 40 of the said section 111 is amended by striking out “subject to the approval of the Municipal Board” in the first line.

Commence-  
ment

**10.** This Act comes into force on the day it receives Royal Assent.

Short title

**11.** This Act may be cited as *The District Municipality of Muskoka Amendment Act, 1972*.

Subsection 3. The use of a sinking fund surplus to reduce the next annual levy on account of principal and interest of district or area debentures will not now require Municipal Board approval.





An Act to amend The District  
Municipality of Muskoka Act

---

*1st Reading*

April 28th, 1972

*2nd Reading*

*3rd Reading*

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

---

*(Government Bill)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO,  
21 ELIZABETH II, 1972

An Act to amend The District Municipality of Muskoka Act



THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of  
Economics and Intergovernmental Affairs

*(Reprinted as amended by the Committee of the Whole House)*



#### EXPLANATORY NOTES

SECTION 1. The permissible interest rate chargeable by an area municipality in respect of overdue payments to it by the District Corporation on account of sewage treatment works assumption is doubled.

SECTION 2. The effect is to permit the area municipality to be chargeable with the whole or such portion of the capital cost of a sewage work or water-course as the by-law specifies, where the area municipality receives a special benefit therefrom.

SECTION 3. The subsection amended requires the approval of the District Council to the construction of sidewalks, sewers, etc., on a district road by an area municipality; the words added will permit the approval to be expressed by resolution of the District Council.

BILL 102

1972

## An Act to amend The District Municipality of Muskoka Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 6 of section 29 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (6) If the District Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the District Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

**2.** Subsection 1 of section 33 of the said Act is repealed and the following substituted therefor:

- (1) Where, in the opinion of the District Council, an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the District Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work, and at any time in respect of the assumption of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the District Corporation the whole or such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

**3.** Subsection 2 of section 49 of the said Act is amended by adding at the end thereof "expressed by resolution".

s. 56 (1),  
amended

**4.** Subsection 1 of section 56 of the said Act is amended by inserting after "by" in the fourth line "resolution of".

s. 64 (3),  
re-enacted

**5.** Subsection 3 of section 64 of the said Act is repealed and the following substituted therefor:

Default

(3) If the District Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the District Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 89,  
amended

**6.** Section 89 of the said Act is amended by adding thereto the following subsection:

Idem

(2) In sections 92, 94 and 96, "Department" means the Ministry of Revenue.

s. 91,  
amended

**7.** Section 91 of the said Act is amended by adding thereto the following subsection:

Application  
of R.S.O. 1970,  
cc. 32, 284

(3) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation.

s. 106 (1),  
amended

**8.** Subsection 1 of section 106 of the said Act is amended by inserting after "levies" in the sixth line "and other revenues".

s. 110 (2),  
re-enacted

**9.** Subsection 2 of section 110 of the said Act is repealed and the following substituted therefor:

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for the purposes of an area municipality, the District Council or the council of the area municipality pending the issue and sale of the debentures may, and the District Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the District Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

SECTION 4. Area municipality traffic by-laws require the approval of the District Council; the amendment permits the approval to be expressed by resolution rather than by by-law.

SECTION 5. Similar in intent to section 1 of the Bill, in relation to the penalty for late payment on account of the addition of a road to the district road system.

SECTION 6. The amendment reflects the transfer to the Ministry of Revenue of the assessment functions formerly under the Department of Municipal Affairs.

SECTION 7. The subsection added provides for the apportionment of taxes collected on supplementary assessments and the charging back in respect of assessment lost following a reduction on an appeal.

SECTION 8. The amendment is designed to make it clear that the District Council may temporarily borrow moneys until other revenues, as well as the levies for the year, are received.

SECTION 10.—Subsection 1. The issue of instalment debentures is authorized; similar authority now exists in *The Municipal Act* for local municipalities having a population of 20,000 or over.

**10.**—(1) Section 111 of the said Act is amended by adding<sup>s. 111,</sup> thereto the following subsections:

- (6a) Notwithstanding subsection 5, the District Council may by by-law,
- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

- (6b) Any special levy against an area municipality imposed by the by-law under the authority of subsection 6a may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 6a, and any levy imposed by a by-law under clause *b* of subsection 6a shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 6a was levied.



s. 111 (20),  
amended

(2) Subsection 20 of the said section 111 is amended by striking out "3½" in the third line and inserting in lieu thereof "5".

s. 111 (22, 23),  
re-enacted

(3) Subsections 22 and 23 of the said section 111 are repealed and the following substituted therefor:

Sinking  
fund  
committee

(22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the District Corporation and two members appointed by the District Council, and the two appointed members may be paid, out of the current fund of the District Corporation, such annual remuneration as the District Council determines.

Alternate  
members

(23) The District Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

s. 111 (40)  
(b) (ii),  
amended

(4) Subclause ii of clause *b* of subsection 40 of the said section 111 is amended by striking out "subject to the approval of the Municipal Board" in the first line.

Commence-  
ment

**11.** This Act comes into force on the day it receives Royal Assent.

Short title

**12.** This Act may be cited as *The District Municipality of Muskoka Amendment Act, 1972*.



Subsection 3. Two of the three members of the sinking fund committee will now be appointed by the District Council rather than the Lieutenant Governor in Council and their remuneration will be in the discretion of the District Council.

Subsection 4. The use of a sinking fund surplus to reduce the next annual levy on account of principal and interest of district or area debentures will not now require Municipal Board approval.





An Act to amend The District  
Municipality of Muskoka Act

---

*1st Reading*

April 28th, 1972

*2nd Reading*

May 9th, 1972

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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(Reprinted as amended by the  
Committee of the Whole House)

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

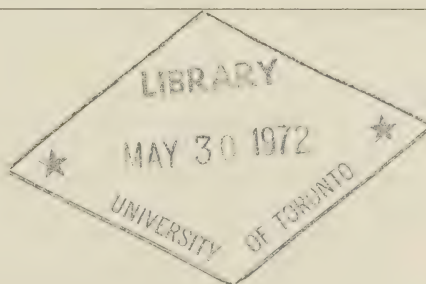
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**An Act to amend The District Municipality of Muskoka Act**

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of  
Economics and Intergovernmental Affairs

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL 102

1972

## An Act to amend The District Municipality of Muskoka Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 29 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, is repealed <sup>s. 29 (6), re-enacted</sup> and the following substituted therefor:

- (6) If the District Corporation fails to make any payment <sup>Default</sup> on or before the due date required by clause *b* of subsection 5, the area municipality may charge the District Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

2. Subsection 1 of section 33 of the said Act is repealed <sup>s. 33 (1), re-enacted</sup> and the following substituted therefor:

- (1) Where, in the opinion of the District Council, an area municipality or a portion thereof will or may derive a special benefit <sup>Special benefit</sup> from the assumption or construction and operation of a work or watercourse, the District Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work, and at any time in respect of the assumption of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the District Corporation the whole or such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

3. Subsection 2 of section 49 of the said Act is amended <sup>s. 49 (2), amended</sup> by adding at the end thereof "expressed by resolution".



s. 56 (1),  
amended

**4.** Subsection 1 of section 56 of the said Act is amended by inserting after "by" in the fourth line "resolution of".

s. 64 (3),  
re-enacted

**5.** Subsection 3 of section 64 of the said Act is repealed and the following substituted therefor:

Default

(3) If the District Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the District Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 89,  
amended

**6.** Section 89 of the said Act is amended by adding thereto the following subsection:

Idem

(2) In sections 92, 94 and 96, "Department" means the Ministry of Revenue.

s. 91,  
amended

**7.** Section 91 of the said Act is amended by adding thereto the following subsection:

Application  
of R.S.O. 1970,  
cc. 32, 284

(3) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation.

s. 106 (1),  
amended

**8.** Subsection 1 of section 106 of the said Act is amended by inserting after "levies" in the sixth line "and other revenues".

s. 110 (2),  
re-enacted

**9.** Subsection 2 of section 110 of the said Act is repealed and the following substituted therefor:

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for the purposes of an area municipality, the District Council or the council of the area municipality pending the issue and sale of the debentures may, and the District Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the District Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

**10.**—(1) Section 111 of the said Act is amended by adding <sup>s. 111,</sup> thereto the following subsections:

- (6a) Notwithstanding subsection 5, the District Council may by by-law,
- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

- (6b) Any special levy against an area municipality imposed by the by-law under the authority of subsection 6a may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 6a, and any levy imposed by a by-law under clause *b* of subsection 6a shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 6a was levied. <sup>Levy</sup>

s. 111 (20),  
amended

(2) Subsection 20 of the said section 111 is amended by striking out "3½" in the third line and inserting in lieu thereof "5".

s. 111 (22, 23),  
re-enacted

(3) Subsections 22 and 23 of the said section 111 are repealed and the following substituted therefor:

Sinking  
fund  
committee

(22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the District Corporation and two members appointed by the District Council, and the two appointed members may be paid, out of the current fund of the District Corporation, such annual remuneration as the District Council determines.

Alternate  
members

(23) The District Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

s. 111 (40)  
(b) (ii),  
amended

(4) Subclause ii of clause b of subsection 40 of the said section 111 is amended by striking out "subject to the approval of the Municipal Board" in the first line.

Commence-  
ment

**11.** This Act comes into force on the day it receives Royal Assent.

Short title

**12.** This Act may be cited as *The District Municipality of Muskoka Amendment Act, 1972*.



An Act to amend The District  
Municipality of Muskoka Act

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*1st Reading*

April 28th, 1972

*2nd Reading*

May 9th, 1972

*3rd Reading*

May 11th, 1972

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

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**An Act to amend The Ontario Society for the Prevention  
of Cruelty to Animals Act, 1955**

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MR. SHULMAN

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

The amendment delegates to the S.P.C.A. the licensing and regulating of dog kennels.



BILL 103

1972

## An Act to amend The Ontario Society for the Prevention of Cruelty to Animals Act, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955*, being chapter 58, is amended<sup>s. 7, amended</sup> by adding thereto the following subsections:

(1a) Without restricting the generality of subsection 1,<sup>Regulation of kennels</sup> the Society may pass by-laws,

- (a) requiring and providing for the licensing of kennels and prescribing the terms and conditions of licences;
- (b) prescribing the standards for the accommodation, facilities and operation of kennels including the care of dogs therein;
- (c) requiring the payment of fees for licences and prescribing the amount thereof.

. . . . .

(4) In this section, "kennel" means any premises where<sup>"kennel" defined</sup> dogs are kept for the purposes of boarding, breeding or sale for gain.

2. This Act comes into force on the day it receives Royal<sup>Commence-</sup> Assent.<sup>ment</sup>

3. This Act may be cited as *The Ontario Society for the Prevention of Cruelty to Animals Amendment Act, 1972*.<sup>Short title</sup>

An Act to amend The Ontario Society for  
the Prevention of Cruelty to Animals Act,  
1955

---

*1st Reading*

May 1st, 1972

*2nd Reading*

*3rd Reading*

---

MR. SHULMAN

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(*Private Member's Bill*)

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

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**An Act to amend The Securities Act**

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MR. DEACON

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EXPLANATORY NOTE

Self-explanatory.

BILL 104

1972

## An Act to amend The Securities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Securities Act*, being chapter 426 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

113a.—(1) Where there is substantial trading in the shares of a corporation for a period prior to an announcement by the corporation of information that materially affects the value of its shares, the Commission shall carry out an investigation into the buying and selling of the shares by the major sources of the trading and any final written report of the investigation shall be available for public inspection.

(2) The Commission may delegate the responsibility of making an investigation under subsection 1 to the Toronto Stock Exchange which shall report its findings to the Commission when it has completed its investigation.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Securities Amendment Act, 1972*.

An Act to amend  
The Securities Act

*1st Reading*

May 1st, 1972

*2nd Reading*

*3rd Reading*

MR. DEACON

*(Private Member's Bill)*

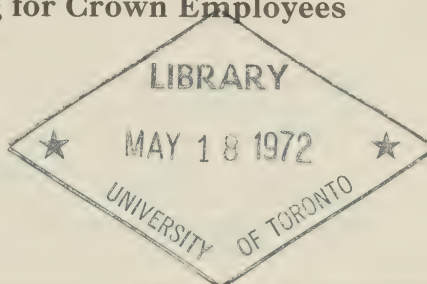
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**BILL 105**

Government  
Publications  
Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972 /111

**An Act to provide for  
Collective Bargaining for Crown Employees**



THE HON. C. MACNAUGHTON  
Chairman, Management Board of Cabinet

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

A Bill to formalize collective bargaining procedures for Crown employees was introduced in November, 1970 (Bill 217) but was not taken beyond first reading.

In the intervening period, submissions were received from, and discussions held with, all the existing bargaining representatives of Crown employees and as a result of such submissions and discussions, significant changes were made.

The purpose of the present Bill is similar to that of the previous Bill, and is to extend and regulate collective bargaining procedures in the government service under the authority of a Tribunal having power to decide matters concerning representation of employees by bargaining agents and to protect employees against unfair labour practices. The Bill provides procedures for the resolution of grievances arising out of the application or interpretation of collective agreements, as well as for the settlement of bargaining disputes.

The principal changes from Bill 217 are:

1. Identification of and a considerable broadening of those matters which are bargainable. (See Sections 6 and 17.)
2. Penalties for contravention of the Act are made applicable to representatives of the employer as well as to employees. (See Section 42.)
3. Representation rights can be achieved on receiving 50 per cent of the votes cast instead of 50 per cent of the eligible voters. (See Section 4 (2).)
4. Deletion of the right of the Lieutenant Governor in Council to exclude any matter or any position or classification from the scope of collective bargaining.
5. The members of the Ontario Provincial Police Force and the employees of colleges of applied arts and technology are removed from the scope of the Act.



## An Act to provide for Collective Bargaining for Crown Employees

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-  
tation

- (a) “adjudicator” means a member of the Ontario Public Service Labour Relations Tribunal;
- (b) “bargaining agent” means an employee organization that has representation rights under this Act;
- (c) “bargaining unit” means a unit of employees established for collective bargaining in accordance with this Act;
- (d) “board” means a board of arbitration established under this Act;
- (e) “civil servant” means a civil servant as defined in *The Public Service Act*;
- (f) “classified service” means the classified service as defined in *The Public Service Act*;
- (g) “collective agreement” means an agreement in writing between the employer and an employee organization covering terms and conditions of employment;
- (h) “Crown” means Her Majesty in right of Ontario;
- (i) “employee” means a person employed in the service of the Crown or an agency of the Crown and includes persons employed by the Liquor Control Board, the Liquor Licence Board, the Ontario Hospital Services Commission, the Ontario Housing Corporation, the

R.S.O. 1970,  
c. 386

Niagara Parks Commission and the Workmen's Compensation Board but does not include,

- (i) an employee of The Hydro-Electric Power Commission of Ontario or the Ontario Northland Transportation Commission,
  - (ii) a member of the Ontario Provincial Police Force,
  - (iii) an employee of a college of applied arts and technology,
  - (iv) a person employed in a managerial or confidential capacity,
  - (v) a person who is a member of the architectural, dental, engineering, legal or medical professions, entitled to practise in Ontario and employed in a professional capacity,
  - (vi) a person who is employed on a casual or temporary basis unless he has been so employed continuously for a period of six months, or more,
  - (vii) a person engaged under contract in a professional or other special capacity, or for a project of a non-recurring kind, or on a temporary work assignment arranged by the Civil Service Commission in accordance with its program for providing temporary help,
  - (viii) a person engaged and employed outside Ontario, or
  - (ix) a person employed in the office of the Provincial Auditor or of the Speaker, Deputy Speaker or Clerk of the Assembly;
- (j) "employee organization" means an organization of employees formed for the purpose of regulating relations between the employer and employees under this Act, but does not include such an organization of employees that,
- (i) receives from any of its members who are employees any money for activities carried on by or on behalf of any political party,

- (ii) handles or pays in its own name on behalf of members who are employees any money for activities carried on by or on behalf of any political party,
  - (iii) requires as a condition of membership therein the payment by any of its members who are employees of any money for activities carried on by or on behalf of any political party,
  - (iv) supports or requires its members who are employees otherwise to support any political party, or
  - (v) discriminates against any employee because of sex, race, national origin, colour or religion;
- (k) “employer” means the Crown in right of Ontario;
- (l) “lock-out” includes the closing of a place of employment, a suspension of work or a refusal by the employer to continue to employ a number of employees with a view to compel or induce the employees, or to aid another employer to compel or induce his employees, to refrain from exercising any rights or privileges under this Act or to agree to provisions or changes in provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, the employee organization or the employees;
- (m) “Minister” means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;
- (n) “party” means the employee organization that is the bargaining agent for a bargaining unit, on the one hand, and the employer, on the other hand, and “parties” means the two of them;
- (o) “person employed in a managerial or confidential capacity” means a person who,
- (i) is employed in a position confidential to the Lieutenant Governor, a Minister of the Crown, a judge of a provincial court, the deputy head of a ministry of the Government of Ontario or the chief executive officer of any agency of the Crown,

- (ii) is involved in the formulation of organization objectives and policy in relation to the development and administration of programs of the Government or an agency of the Crown or in the formulation of budgets of the Government or an agency of the Crown,
- (iii) spends a significant portion of his time in the supervision of employees,
- (iv) is required by reason of his duties or responsibilities to deal formally on behalf of the employer with a grievance of an employee,
- (v) adjudicates or determines claims for compensation which are made pursuant to the provisions of any statute,
- (vi) is employed in a position confidential to any person described in subclause i, ii, iii, iv or v,
- (vii) is employed in a confidential capacity in matters relating to employee relations including a person employed in a clerical, stenographic or secretarial position in the Civil Service Commission or in a personnel office in a ministry or agency of the Government of Ontario, or
- (viii) is not otherwise described in subclauses i to vii but who in the opinion of the Tribunal should not be included in a bargaining unit by reason of his duties and responsibilities to the employer;

R.S.O. 1970,  
c. 386

- (p) “public servant” means a public servant as defined in *The Public Service Act* and “public service” has a corresponding meaning;
- (q) “Public Service Grievance Board” means the Public Service Grievance Board established under *The Public Service Act*;
- (r) “regulations” means the regulations made under this Act;
- (s) “strike” includes a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slow-down or other concerted activity on the part of employees designed to restrict or interfere with work or services;

(t) "Tribunal" means the Ontario Public Service Labour Relations Tribunal;

(u) "unclassified service" means the unclassified service as defined in *The Public Service Act*.

R.S.O. 1970,  
c. 386

(2) The employer may be represented, in the case of the public service, by the Management Board of Cabinet, and in the case of an agency of the Crown, by the body designated by the regulations.

Employer  
representa-  
tive

(3) No employee shall be deemed to have ceased to be employed by reason only of his ceasing to work for the employer as a result of a lock-out contrary to section 25 or by reason only of his being dismissed by the employer contrary to this Act or to a collective agreement.

No loss of  
employment  
by lock-out,  
etc.

#### REPRESENTATION RIGHTS

2.—(1) Where no employee organization has representation rights in respect of a unit of employees that the employee organization claims to be appropriate for collective bargaining, an employee organization may apply at any time to the Tribunal for representation rights as bargaining agent of the employees in such unit.

Application  
for rep-  
resentation  
rights

(2) Where a collective agreement is for a term of not more than three years, an employee organization may apply to the Tribunal for representation rights as bargaining agent of the employees in the bargaining unit only during the period between the ninetieth and one hundred and twentieth days prior to the termination of the agreement.

Idem

(3) Where a collective agreement is for a term of more than three years, an employee organization may apply to the Tribunal for representation rights as bargaining agent of the employees in the bargaining unit only during the thirty-day period immediately prior to the last ninety days,

Idem

(a) of the operation of the third year of the agreement;

(b) of each year that the agreement continues to operate after the third year; or

(c) of the termination of the agreement.

(4) Every application for representation rights shall be accompanied by the financial statement of the employee organization for the latest complete fiscal year or, if the employee organization has not been in existence for a

Application  
to include  
financial  
statement



complete fiscal year, for the period it has been in existence, and an affidavit both in the same form as required under subsections 1 and 2 of section 45.

Rep-  
resentation  
rights on  
coming into  
force of Act

(5) Every employee organization designated by the regulations shall be deemed to have been granted representation rights under this Act upon the coming into force of this Act in relation to such bargaining unit or units as are designated by the regulations.

Tribunal to  
establish  
appropriate  
unit of  
employees

**3.—**(1) Upon an application for representation rights, the Tribunal shall, subject to subsection 2, determine the unit of employees that is appropriate for collective bargaining purposes under this Act.

Existing  
units  
appropriate  
for  
collective  
bargaining

(2) The bargaining units designated in the regulations are appropriate units for collective bargaining purposes under this Act.

Rep-  
resentation  
vote

**4.—**(1) Upon an application for representation rights by an employee organization claiming not less than 35 per cent of the employees in the appropriate bargaining unit as members, the Tribunal upon satisfying itself that not less than 35 per cent of such employees are members of the employee organization shall direct that a representation vote be taken.

Result of  
vote

(2) If, on the taking of a representation vote, more than 50 per cent of the ballots cast are in favour of the employee organization, the Tribunal shall grant representation rights to the employee organization as the bargaining agent of the employees in the bargaining unit.

Certain  
employee  
organiza-  
tions not to  
have rep-  
resentation  
rights

**5.** The Tribunal shall not grant representation rights to any employee organization in the formation or administration of which there has been or is, in the opinion of the Tribunal, participation by the employer or any person acting on behalf of the employer of such a nature as to impair the employee organization's fitness to represent the interests of employees in the bargaining unit.

#### NEGOTIATION OF AGREEMENTS

Bargaining  
authority

**6.** Upon being granted representation rights as bargaining agent of the employees in a bargaining unit under this Act, the employee organization is the exclusive bargaining agent authorized to represent employees in the bargaining unit in bargaining with their employer on rates of remuneration, hours of work, overtime and other premium allowance for work performed, benefits pertaining to time not worked by employees including paid holidays, paid vacations, group life insurance, health insurance and long-term income protection

insurance, the procedures applicable to the processing of grievances, the methods of effecting promotions, demotions, transfers, lay-offs or reappointments and the conditions applicable to leaves of absence for other than any elective public office or political activities or training and development.

**7.**—(1) Upon being granted representation rights under section 4, the employee organization may give the employer written notice of its desire to bargain with the view to making a collective agreement. Notice of desire to bargain

(2) The parties shall meet within fifteen days from the giving of the notice or within such further period as the parties agree upon and they shall bargain in good faith and make every reasonable effort to make a collective agreement. Obligation to bargain

#### MEDIATION

**8.**—(1) Where notice has been given under section 7 or 20, the Tribunal may, when advised in writing by either party that the parties are unable to reach agreement, appoint a mediator who shall confer with the parties and endeavour to effect a collective agreement. Appointment of mediator

(2) If the mediator is unable to effect a collective agreement between the parties within thirty days after the date of his appointment or such longer period as the Tribunal may direct or the parties may agree upon, he shall report thereupon to the Tribunal. Report of mediator if unable to effect agreement

#### ARBITRATION

**9.** If the mediator appointed under section 8 is unable to effect a collective agreement or if the Tribunal determines that a mediator should not be appointed, all matters in dispute coming within the scope of collective bargaining under this Act shall be decided by arbitration in accordance with this Act. When matters to be determined by arbitration

**10.**—(1) A person shall be appointed by the Lieutenant Governor in Council for a renewable term of two years to be the chairman of every board of arbitration established under this Act. Chairman

(2) Within fourteen days after receipt of notice from the Tribunal that the mediator has reported that he is unable to effect a collective agreement or that the Tribunal has determined that a mediator should not be appointed, each of the parties shall appoint to a board of arbitration a member who has indicated his willingness to act. Appointment of members of board by parties

Failure of  
party to  
appoint  
member

(3) Where a party fails to appoint a member of a board within the period of fourteen days mentioned in subsection 2 or 5, the Tribunal, upon the written request of either of the parties shall appoint such member.

Notice of  
appointment  
by party

(4) As soon as one of the parties appoints a member to a board, it shall notify in writing the other party and the Tribunal of the name and address of the member appointed.

Vacancies

(5) Within fourteen days after receipt by a party of notice from the Tribunal that the member representing its point of view has ceased to act by reason of resignation, death or otherwise before the board has completed its work, the party shall notify the Tribunal of the person to be appointed to fill the vacancy created thereby.

Replacement  
of member

(6) If, in the opinion of the Tribunal, a member of a board, other than the chairman, has failed to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Tribunal may appoint a member in his place after consulting the party whose point of view was represented by such person.

Replacement  
of chairman

(7) If the chairman of a board is unable to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Lieutenant Governor in Council may appoint a person to act as chairman in his place.

Persons  
prohibited  
as members

(8) No person shall be appointed a member of a board who has any pecuniary interest in the matters coming before it or who is acting or has, within a period of six months preceding the date of his appointment, acted as solicitor, counsel or agent of either of the parties.

Procedure

(9) A board shall determine its own procedure but shall give full opportunity to the parties to present their evidence and make their submissions.

Idem

(10) If the members of a board are unable to agree among themselves on matters of procedure or as to the admissibility of evidence, the decision of the chairman governs.

Decision

(11) The decision of a majority of the members of a board is the decision of the board, but, if there is no majority, the decision of the chairman is the decision of the board.

Powers of  
board

(12) A board has all the powers of the Tribunal,



- (a) to summon and enforce the attendance of witnesses and to compel them to give oral or written evidence on oath or affirmation;
- (b) to administer oaths and affirmations; and
- (c) to accept or exclude any oral testimony, document or other thing.

(13) A board may,

*Idem*

- (a) enter any premises of the employer where work is being done or has been done by the employees or in which the employer carries on business or where anything is taking place or has taken place concerning any of the differences submitted to it or him, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any such thing or any of such differences; and
- (b) authorize any person to do anything that the board may do under clause *a* and to report thereon to the board.

**11.**—(1) The board shall examine into and decide on matters that are in dispute within the scope of collective bargaining under this Act. Duty of board

(2) In the conduct of proceedings before it and in rendering a decision in respect of a matter in dispute, the board shall consider any factor that to it appears to be relevant to the matter in dispute including, Factors to be taken into account by board

- (a) the needs of the Crown and its agencies for qualified employees;
- (b) the conditions of employment in similar occupations outside the public service, including such geographic, industrial or other variations as the board may consider relevant;
- (c) the desirability to maintain appropriate relationships in the conditions of employment as between classifications in the public service; and
- (d) the need to establish terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered.

Reference  
back to  
board

(3) The board may, upon application by either party to a decision within ten days after the release of the decision, subject to affording the parties the opportunity to make representations thereupon to the board, amend, alter or vary the decision where it is shown to the satisfaction of the board that it has failed to deal with any matter in dispute referred to it or that an error is apparent on the face of the decision.

R.S.O. 1970,  
c. 25, 1971,  
c. 47 not to  
apply

(4) *The Arbitrations Act* and *The Statutory Powers Procedure Act, 1971* do not apply to arbitrations under this Act.

Where  
agreement  
reached

**12.**—(1) Where, during the bargaining under this Act or during the proceedings before the board, the parties agree on all the matters to be included in a collective agreement, they shall put them in writing and shall execute the document, and thereupon it constitutes a collective agreement under this Act.

Decision  
of board

(2) Where, during the bargaining under this Act or during the proceedings before the board, the parties have agreed upon some matters to be included in the collective agreement and they have so notified the board in writing, the board's decision, except as otherwise agreed by the parties, shall be confined to the matters not agreed upon by the parties, and, if, following the rendering of the decision, the parties fail to agree on the terms of a collective agreement within ten days after the release of the decision or within such longer period as may be agreed upon by the parties, the board shall prepare a document giving effect to the agreement of the parties and its decision and shall submit the document to the parties for execution.

Idem

(3) The board shall, in its decision, fix the time within which and the place where the parties shall execute the document.

Failure to  
execute  
agreement

(4) If the parties or either of them fail to execute the document within such time as is fixed by the decision, the board may order that the document be in effect as though it had been executed by the parties, and the document thereupon constitutes a collective agreement under this Act, effective from the day designated in the order or, failing such designation, from the day upon which the order was made.

Agreement  
not to  
require  
legislative  
implementa-  
tion

**13.** No collective agreement or decision of a board shall contain any term which would require either directly or indirectly for its implementation the enactment or amendment of legislation except for the purpose of appropriating moneys for its implementation.

**14.** Every collective agreement shall be deemed to provide that the employee organization that is a party thereto is recognized as the exclusive bargaining agent for the bargaining unit to which the agreement applies. Employee organization as exclusive bargaining agent

**15.—(1)** The parties to a collective agreement may provide, subject to the regulations, for the payment by the employees of dues or contributions to the employee organization. Payment of dues to employee organization

(2) Where the Tribunal is satisfied that an employee because of his religious convictions or belief objects to paying dues or contributions to an employee organization, the Tribunal may order that the provisions of the collective agreement pertaining thereto do not apply to such employee and that the employee is not required to pay dues or contributions to the employee organization, provided that amounts equivalent thereto are remitted by the employer to a charitable organization mutually agreed upon by the employee and the employee organization and failing such agreement then to such charitable organization registered as such under Part I of the *Income Tax Act* (Canada) as may be designated by the Tribunal. Where objection to dues because of religious belief  
1970-71, c. 63 (Can.)

(3) No collective agreement shall contain a provision which would require, as a condition of employment, membership in the employee organization. Requiring membership in employee organization prohibited

**16.—(1)** If a collective agreement does not provide for its term of operation, or provides for its operation for an unspecified term, it shall be deemed to provide for a term of two years from the date it commenced to operate. Minimum term of agreements

(2) If the parties fail to agree on the term of a collective agreement, the board shall not provide for a term of less than two years. Agreement not to be less than 2 years unless parties otherwise agree

(3) A collective agreement shall not be terminated by the parties before it ceases to operate in accordance with its provisions or this Act without the consent of the Tribunal on the joint application of the parties. Early termination of collective agreements

**17.—(1)** Every collective agreement shall be deemed to provide that it is the exclusive function of the employer to manage including the right to determine employment, appointment, complement, organization, work methods and procedures, kinds and location of equipment, discipline and termination of employment, assignment, classification, job evaluation system, merit system, training and development, appraisal, superannuation and the principles and standards governing promotion, demotion, transfer, lay-off, reappoint- Exclusive functions of employer

ment, and that such matters will not be the subject of collective bargaining nor come within the jurisdiction of a board.

Grievances

(2) An employee claiming,

- (a) that his position has been improperly classified;
- (b) that he has been appraised contrary to the governing principles and standards;
- (c) that, contrary to the governing principles and standards or to the methods of effecting promotions, demotions, transfers, lay-offs or reappointments provided in the collective agreement, he has been promoted, demoted, transferred or laid off or has not been reappointed; or
- (d) that he has been disciplined or terminated from his employment without just cause,

may process such matter in accordance with the grievance procedure provided in the collective agreement, and failing final determination under such procedure, the matter may be processed in accordance with the procedures for final determination applicable under *The Public Service Act* and the regulations thereunder.

R.S.O. 1970,  
c. 386

Arbitration  
of disputes  
under  
agreement

**18.**—(1) Every collective agreement shall be deemed to provide that in the event the parties are unable to effect a settlement of any differences between them arising from the interpretation, application, administration or alleged contravention of the agreement, including any question as to whether a matter is arbitrable, such matter may be referred for arbitration to the Public Service Grievance Board and the Board, after giving full opportunity to the parties to present their evidence and to make their submissions, shall decide the matter and its decision is final and binding upon the parties and the employees covered by the agreement.

Powers

(2) The Public Service Grievance Board has the same powers as a board of arbitration under subsections 12 and 13 of section 10.

Penalty  
where  
employee  
disciplined,  
etc.

(3) Where the Public Service Grievance Board determines that a disciplinary penalty or dismissal of an employee is excessive, it may substitute such other penalty for the discipline or dismissal as it considers just and reasonable in all the circumstances.

Enforce-  
ment of  
arbitration  
decisions

(4) Where a party or an employee has failed to comply with any of the terms of the decision of the Public Service Grievance Board, any party or employee affected by the



decision may, after the expiration of fourteen days from the date of the release of the decision or the date provided in the decision for compliance, whichever is later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, in the prescribed form, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.

#### OPERATION OF AGREEMENTS

**19.**—(1) A collective agreement is, subject to and for the purposes of this Act, binding upon the employer, upon the employee organization that is a party thereto and upon the employees in the bargaining unit covered by the agreement. Binding effect of agreement

(2) Subsection 1 applies to every collective agreement covering a bargaining unit to which subsection 2 of section 3 applies, which is in operation upon the coming into force of this Act. Application of subs. 1 to existing agreements

**20.** Either party to a collective agreement desiring to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or the making of a new agreement, may, only during the period between the ninetieth and one hundred and twentieth days prior to the termination of the agreement, give notice in writing thereof to the other party accompanied by a statement in writing of its proposed modifications, if any. Notice of desire to bargain for renewal or new agreement

**21.**—(1) Where notice has been given by the employee organization under section 7, the conditions then in effect applicable to or binding upon the employer, the employee organization or the employees which are subject to collective bargaining within the meaning of this Act shall not be altered without the consent of the employer, the employee organization or the employees, as the case may be. Conditions in effect when notice to bargain given not to be altered

(2) Where notice has been given by either party to a collective agreement under section 20, except as altered by an agreement in writing of the parties, the terms and provisions of the agreement then in operation shall continue to operate until a new agreement entered into pursuant to the provisions of this Act is in operation. Agreement to continue after notice to bargain for renewal or new agreement

#### TERMINATION OF REPRESENTATION RIGHTS

**22.**—(1) If an employee organization does not enter into a collective agreement with the employer within one year after being granted representation rights or fails to give notice of its intention to bargain as provided under section 20 and no such notice has been given by the employer, the employer or Application for termination of representation rights

any employee in the bargaining unit concerned may apply to the Tribunal for a declaration that the employee organization no longer represents the employees in the bargaining unit.

Idem

(2) Any employee in the bargaining unit covered by a collective agreement may apply to the Tribunal for a declaration that the employee organization no longer represents the employees in the bargaining unit only during the period between the ninetieth and one hundred and twentieth days prior to the termination of the agreement.

Representation vote

(3) Upon the application under subsection 2, the Tribunal shall ascertain the number of employees in the bargaining unit at the time the application was made and if a majority of the employees in the bargaining unit have voluntarily signified in writing that they no longer wish to be represented by the employee organization, the Tribunal shall conduct a representation vote to determine whether or not the employees desire that the right of the employee organization to bargain on their behalf be terminated.

Result of vote

(4) If, on the taking of the representation vote, more than 50 per cent of the ballots cast are in opposition to the employee organization, the Tribunal shall declare that the employee organization that was granted representation rights or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit.

Effect of termination

(5) Upon the Tribunal declaring that the employee organization no longer represents the employees in the bargaining unit, the employee organization ceases to have such representation rights and any collective agreement in operation between the employee organization and the employer that is binding upon the employees in the bargaining unit ceases to operate and any decision of a board applying to the bargaining unit ceases to have effect.

Termination of rights where employee organization desires or has ceased to act

**23.**—(1) Where the Tribunal is advised by an employee organization that it wishes to be released of its representation rights in respect of a bargaining unit or where the Tribunal, upon application by the employer or any employee in a bargaining unit represented by an employee organization, determines that the employee organization has ceased to act on behalf of the employees, the Tribunal shall declare that the employee organization no longer represents the employees in the bargaining unit.

Where lack of qualification or obtained by fraud

(2) Where the Tribunal,

(a) upon application thereto by the employer or any employee concerned, determines that an employee

organization would not, if it were applying for representation rights in respect of a bargaining unit, be granted such rights by the Tribunal by reason of failure to qualify under clause *j* of section 1; or

- (*b*) is satisfied that an employee organization has obtained representation rights in respect of a bargaining unit by fraud,

the Tribunal shall declare that the employee organization no longer represents the employees in the bargaining unit.

(3) Upon the Tribunal declaring that the employee organization no longer represents the employees in the bargaining unit, the employee organization ceases to have such representation rights and any collective agreement in operation between the employee organization and the employer that is binding upon the employees in the bargaining unit ceases to operate and any decision made by a board applying to the bargaining unit ceases to have effect. Effect of termination

#### PROHIBITIONS

**24.** No person shall attempt at the employee's place of employment to persuade him to become or refrain from becoming a member of an employee organization. Persuasion at place of work

**25.** The employer shall not cause a lock-out, and an employee shall not strike. Strike and lock-out prohibited

**26.** Nothing in this Act prohibits any suspension or discontinuance for cause of an employer's operations or the quitting of employment for cause if the suspension, discontinuance or quitting does not constitute a lock-out or strike. Suspension or quitting for cause not to constitute lock-out or strike

**27.—(1)** No person who is acting on behalf of the employer shall participate in or interfere with the selection, formation or administration of an employee organization or the representation of employees by such an organization, but nothing in this section shall be deemed to deprive the employer or any person acting on behalf of the employer of his freedom to express his views so long as he does not use coercion, intimidation, threats, promises or undue influence. Interference with employee organization prohibited

(2) The employer or any person acting on behalf of the employer shall not, Interference with employee's rights prohibited

- (*a*) refuse to employ or to continue to employ or discriminate against a person with regard to employment

or any term or condition of employment because the person is exercising any right under this Act or is or is not a member of an employee organization ;

- (b) impose any condition on an appointment or in a contract of employment that seeks to restrain an employee or a person seeking employment from becoming a member of an employee organization or exercising any right under this Act ;
- (c) seek by intimidation, by threat of dismissal or by any other kind of threat or by the imposition of a pecuniary or any other penalty or by any other means to compel an employee to become or refrain from becoming or to continue or cease to be a member of an employee organization, or to refrain from exercising any other right under this Act ; or
- (d) refuse to employ or continue to employ or discriminate against a person with regard to employment only because the person refused to make a contribution or expenditure to or on behalf of any political party or to or on behalf of a candidate for public office,

but no person shall be deemed to have contravened this subsection by reason of any act or thing done or omitted in relation to a person employed or proposed to be employed in a managerial or confidential capacity.

Intimidation and coercion

(3) No person or employee organization shall seek by intimidation or coercion to compel any person to become or refrain from becoming or to continue to be or to cease to be a member of an employee organization or to refrain from exercising any other rights under this Act or from performing any obligations under this Act.

Duty of fair representation

**28.** An employee organization shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees, whether members of the employee organization or not.

Authorizing or counselling strikes prohibited

**29.** No employee organization shall declare or authorize a strike of employees, and no officer or representative of an employee organization shall counsel, procure or support the declaration or authorization of a strike of employees or the participation of employees in a strike.



## ENFORCEMENT

**30.—**(1) The Tribunal may appoint an investigator with <sup>Inquiry by investigator</sup> authority to inquire into a complaint that,

- (a) a person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment;
- (b) a person has been suspended, expelled or penalized in any way contrary to section 34;
- (c) an employee organization, employer or any person or persons has acted in any way contrary to section 28 or clause *b* of subsection 2 of section 35.

(2) The investigator shall forthwith inquire into the <sup>Duties</sup> complaint and endeavour to effect a settlement of the matter.

(3) The investigator shall report the results of his inquiry <sup>Report</sup> and endeavours to the Tribunal.

(4) Where an investigator is unable to effect a settlement <sup>Inquiry by Tribunal</sup> of the matter or where the Tribunal in its discretion considers it advisable to dispense with an inquiry by an investigator, the Tribunal may inquire into the complaint and,

- (a) if the Tribunal is satisfied that the person concerned has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment by the employer or by any person or employee organization it shall determine what, if anything, the employer, person or employee organization shall do or refrain from doing with respect thereto, and such determination may include the hiring or reinstatement in employment of the person concerned, with or without compensation or compensation in lieu of hiring or reinstatement for loss of earnings and other employment benefits for which compensation may be assessed against the employer, person or employee organization, jointly or severally, and the employer, person or employee organization shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or any of them by the determination;

- (b) if the Tribunal is satisfied that the person concerned has been suspended, expelled or penalized in any way contrary to section 34 it shall so declare, and thereupon the suspension, expulsion or penalty is void; or
- (c) if the Tribunal is satisfied that the employee organization, employer, person or employee concerned has acted contrary to section 28 or clause *b* of subsection 2 of section 35, it shall determine what, if anything, the employee organization, employer, person or employee shall do or refrain from doing with respect thereto, and such determination may include compensation for loss of earnings and other employment benefits and the employee organization, employer, person or employee shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or it.

Effect of  
settlement

(5) Where the matter complained of has been settled, whether through the endeavours of the investigator or otherwise, and the terms of the settlement have been put in writing and signed by the parties or their representatives, the settlement is binding upon the parties, the employee organization, employer, person or employee who have agreed to the settlement and shall be complied with according to its terms, and a complaint that the employee organization, employer, person or employee who has agreed to the settlement has not complied with the terms of the settlement shall be deemed to be a complaint under clause *a*, *b* or *c* of subsection 1, as the case may be.

Declaration  
of unlawful  
strike

**31.** Where it is alleged that an employee organization has declared or authorized a strike or that employees are engaging in a strike, the employer may apply to the Tribunal for a declaration that such action would be or is contrary to section 25, and the Tribunal, after affording an opportunity to the employer and the employee organization or to the employees, as the case may be, to be heard on the application, may make such a declaration.

Declaration  
of unlawful  
lock-out

**32.** Where it is alleged that the employer has declared or authorized a lock-out or is engaging in a lock-out, any of the employees directly affected thereby or the employee organization concerned may apply to the Tribunal for a declaration that such action was or is contrary to section 25, and the Tribunal after affording an opportunity to the employer and the employees or employee organization, as the case may be, to be heard on the application, may make such a declaration.

**33.** No person shall do any act if he knows or ought to know that, as a probable and reasonable consequence of the act, another person or persons will take any action contrary to section 25. Causing unlawful strikes, lock-outs

**34.** No employee organization shall suspend, expel or penalize in any way a member because he has refused to engage in or to continue to engage in any action contrary to section 25. Refusal to engage in unlawful strike

**35.**—(1) The employer or any person acting on behalf of the employer shall not, Protection of witnesses' rights

- (a) refuse to employ or continue to employ a person;
- (b) threaten dismissal or otherwise threaten a person;
- (c) discriminate against a person in regard to employment or a term or condition of employment; or
- (d) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

(2) No employee organization or person acting on behalf of an employee organization shall, Idem

- (a) discriminate against a person in regard to employment or a term or condition of employment; or
- (b) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

#### TRIBUNAL

**36.**—(1) There shall be a tribunal to be known as the Ontario Public Service Labour Relations Tribunal. Tribunal established

- Composition** (2) The Tribunal shall be composed of one or more adjudicators appointed by the Lieutenant Governor in Council as the Lieutenant Governor in Council considers appropriate.
- Chairman** (3) The Lieutenant Governor in Council shall designate one adjudicator to be the chairman.
- Vacancy** (4) A vacancy in the membership of the Tribunal for any cause may be filled by the Lieutenant Governor in Council.
- Quorum** (5) One adjudicator constitutes a quorum and is sufficient for the exercise of all the jurisdiction and powers of the Tribunal.
- Assignment of adjudicators** (6) The chairman shall from time to time assign the adjudicators of the Tribunal to its various sittings and designate one as presiding member for each sitting.
- Decision** (7) Where the Tribunal at any sitting is composed of one adjudicator, his decision constitutes a decision of the Tribunal, and, where the Tribunal at any sitting is composed of more than one adjudicator, a decision of a majority of the adjudicators, constitutes a decision of the Tribunal, provided that in the event of a tie vote, the presiding member has a casting vote.
- Jurisdiction** **37.** The Tribunal has exclusive jurisdiction to exercise the powers conferred upon it by this Act and to determine all questions of fact or law that arise in any matter before it, and, except as otherwise provided in this Act, the action or decision of the Tribunal thereon is final and binding for all purposes, but nevertheless the Tribunal may at any time, if it considers it advisable to do so, reconsider any decision, order, direction, declaration or ruling made by it and vary or revoke any such decision, order, direction, declaration or ruling.
- Question as to whether person an employee** **38.** If, in the course of bargaining for a collective agreement or during the period of operation of a collective agreement, a question arises as to whether a person is an employee, the question may be referred to the Tribunal and its decision thereon is final and binding for all purposes.
- Powers and duties of Tribunal** **39.—**(1) The Tribunal shall exercise such powers and perform such duties as are conferred upon it by this Act, including power,
- (a) to enter any premises of the employer where work is being or has been done by the employees or in which the employer carries on business and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any matter;



- (b) to enter upon the premises of the employer and conduct representation votes during working hours and give such directions in connection with the vote as it considers necessary;
- (c) to authorize any person to do anything that the Tribunal may do under clauses *a* and *b* and to report to the Tribunal thereon;
- (d) to authorize an adjudicator to inquire into any application, request, complaint, matter or thing within the jurisdiction of the Tribunal, or any part of any of them, and to report to the Tribunal thereon;
- (e) to bar an unsuccessful applicant for any period not exceeding ten months from the date of the dismissal of the unsuccessful application, or to refuse to entertain a new application by an unsuccessful applicant or by any of the employees affected by an unsuccessful application or by any person or employee organization representing such employees within any period not exceeding ten months from the date of the dismissal of the unsuccessful application;
- (f) to determine the form in which and the time as of which evidence of membership in an employee organization or of objection by employees to representation rights of an employee organization or of signification by employees that they no longer wish to be represented by an employee organization shall be presented to the Tribunal on an application for representation rights or for a declaration terminating representation rights, and to refuse to accept any evidence of membership or objection or signification that is not presented in the form and as of the time so determined; and
- (g) to administer oaths and affirmations.

(2) Notwithstanding sections 2 and 22, where an application has been made for representation rights of an employee organization as bargaining agent for employees in a bargaining unit or for a declaration that the employee organization no longer represents the employees in a bargaining unit and a final decision of the application has not been issued by the Tribunal at the time a subsequent application for such representation rights or for such a declaration is made with respect to any of the employees affected by the original application, the Tribunal may,

Subsequent  
applications  
for rep-  
resentation  
rights, etc

- (a) treat the subsequent application as having been made on the date of the making of the original application;
- (b) postpone consideration of the subsequent application until a final decision has been issued on the original application and thereafter consider the subsequent application but subject to any final decision issued by the Tribunal on the original application; or
- (c) refuse to entertain the subsequent application.

Deter-  
mination of  
membership

(3) Where the Tribunal is satisfied that an employee organization has an established practice of admitting persons to membership without regard to the eligibility requirements of its charter, constitution or by-laws, the Tribunal in determining whether a person is a member of an employee organization, need not have regard for such eligibility requirements provided that any person so admitted to membership is accorded full membership status for all purposes by the employee organization.

Where choice  
between  
two or more  
employee  
organizations

(4) Where, in the taking of a representation vote, the Tribunal determines that the employees are to be given a choice between two or more employee organizations,

- (a) the Tribunal may include on a ballot a choice indicating that an employee does not wish to be represented by an employee organization; and
- (b) the Tribunal, when it decides to hold such additional representation votes as may be necessary, may eliminate from the choice on the ballot the choice from the previous ballot that has obtained the lowest number of votes cast.

Stated case

**40.**—(1) The Tribunal may of its own motion and shall upon the request of any party state a case in writing to the Court of Appeal upon any question of law.

Court to  
hear and  
determine  
stated case

(2) Where a case is stated under this section, the Court of Appeal shall hear and determine in a summary manner the question raised.

Proceedings  
stayed

(3) Pending the decision of the Court of Appeal on a case stated under this section, no further proceedings shall be taken by the Tribunal with respect to the subject-matter of the stated case but it may continue its inquiry into matters not in issue in the stated case.

**41.**—(1) The Tribunal shall determine its own practice<sup>Procedure</sup> and procedure but shall afford to the parties to any proceedings an opportunity for a hearing to present their evidence and to make their submissions, and the Tribunal may, subject to the approval of the Lieutenant Governor in Council, make rules, not inconsistent with the provisions of this Act, governing its practice and procedure and the exercise of its powers.

(2) *The Statutory Powers Procedure Act, 1971*, except sub-section 2 of section 14, applies to the proceedings of the<sup>Application of 1971,</sup> Tribunal.<sup>c. 47</sup>

#### OFFENCES

**42.**—(1) Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction<sup>Contra-vention of Act by person</sup> is liable to a fine of not more than \$500 for each day upon which such contravention occurs or continues.

(2) Every employee organization that contravenes any provision of this Act is guilty of an offence and on summary conviction<sup>Contra-vention of Act by employee organization</sup> is liable to a fine of not more than \$5,000 for every day upon which such contravention occurs or continues.

(3) If an employee organization is guilty of an offence under this Act, every officer or representative thereof who<sup>When officers also guilty of offence</sup> assented to the commission of the offence shall be deemed to be a party to and guilty of the offence and is liable to a fine under subsection 1 as if he had been convicted of an offence under subsection 1.

(4) An information in respect of a contravention of any<sup>Informa-tion</sup> provision of this Act may be for one or more offences and no information, warrant, conviction or other proceedings in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences.

(5) No prosecution for an offence under this Act shall<sup>Consent</sup> be instituted except with the consent in writing of the Tribunal, which may only be granted after affording an opportunity to the parties or to the employees, as the case may be, to be heard.

**43.** A prosecution for an offence may be brought against<sup>Prosecution of employee organization</sup> an employee organization in the name of that organization, and, for the purposes of any such prosecution, an employee organization shall be deemed to be a person, and any act or thing done or omitted by an officer or representative of an employee organization within the apparent scope of his



authority to act on behalf of the employee organization shall be deemed to be an act or thing done or omitted by the employee organization.

#### GENERAL

Trusteeship  
over  
employee  
organization

**44.**—(1) If the autonomy of an employee organization is suspended under the constitution and by-laws of its parent body, written notice thereof shall be given the Tribunal by the parent body within thirty days of the commencement of such suspension together with a statement in the prescribed form, verified by the affidavit of its principal officers, setting out the terms under which supervision or control is to be exercised and it shall, upon the direction of the Tribunal, file such additional information as the Tribunal from time to time may require.

Duration of  
trusteeship

(2) Any such supervision or control shall not continue for more than twelve months from the date of such suspension but such supervision or control may be continued for such further period as the Tribunal may prescribe.

Information

**45.**—(1) Every employee organization having representation rights under this Act shall, within three months after the coming into force of this Act and thereafter within three months after the end of each calendar year, file a statement with the Tribunal, certified as to the truth and accuracy thereof by the president and the treasurer, containing the following particulars:

- (a) the name of the organization;
- (b) the address of the headquarters of the organization in Ontario to which communications for the purposes of this Act may be directed;
- (c) the constitution and by-laws of the organization;
- (d) the name and address of each officer of the organization and the position held by each such officer;
- (e) the name and address of each officer and employee of the organization resident in Canada (other than a person performing primarily clerical or stenographic duties), the position held by each such officer and employee and the manner in which he was elected or appointed;
- (f) a financial statement for the latest complete fiscal year or, if the employee organization has not been in

existence for a complete fiscal year, for the period it has been in existence, consisting of,

- (i) a balance sheet showing the assets and liabilities of the organization made up for such fiscal year, and
- (ii) a statement of income and expenditure for such fiscal year, in such form and containing such particulars and other information relating to the financial position of the organization as may be prescribed by the regulations.

(2) Every financial statement shall be certified by a person licensed under *The Public Accountancy Act* and shall be accompanied by an affidavit completed by the president and treasurer of the employee organization affirming that throughout the fiscal period reported upon the employee organization was at all times qualified as an employee organization under this Act.

Financial statement  
R.S.O. 1970,  
c. 373

(3) An employee organization having representation rights under this Act shall publish for its members its financial statement in the same form and within the same periods prescribed under subsections 1 and 2.

Publication  
of financial  
statement

(4) Each party to a collective agreement shall forthwith after it is made, file one copy thereof with the Tribunal.

Copy of  
agreement  
to be filed  
with Tribunal

**46.** Any action or proceeding to restrain a contravention or otherwise enforce the provisions of this Act may be commenced in the Supreme Court after notice has been given to the employees affected by posting or publication in such manner as the Tribunal may direct, and in the case of an employee organization by service thereupon at the address shown in the statement required pursuant to subsection 1 of section 45.

Enforcement  
of Act

**47.** No member of the Tribunal or of a board or of the Public Service Grievance Board and no person appointed thereby or a mediator appointed under this Act shall be required to give evidence in any civil action, suit or other proceeding respecting information obtained in the discharge of his duties under this Act.

Protection  
against  
giving  
evidence in  
civil actions

**48.**—(1) For the purposes of this Act and of any proceedings taken under it, any notice or communication, except in relation to a final decision or order of the Tribunal, sent through Her Majesty's mails shall be presumed, unless the contrary is proved, to have been received by the addressee in the ordinary course of mail.

Mailed  
notices

Time of  
making  
certain  
applications

(2) An application for representation rights or for a declaration that an employee organization no longer represents the employees in a bargaining unit, if sent by registered mail addressed to the Tribunal at Toronto, shall be deemed to have been made on the date on which it was so mailed.

Time of  
release of  
documents

(3) A decision, determination, report, interim order, order, direction, declaration or ruling of the board, a notice from the Tribunal that it does not deem it advisable to appoint a mediator or a decision of a board,

(a) if sent by mail to the person, employer or employee organization concerned addressed to him or it at his or its last-known address, shall be deemed to have been released on the second day after the day on which it was so mailed; or

(b) if delivered to a person, the employer or employee organization concerned at his or its last-known address, shall be deemed to have been released on the day next after the day on which it was so delivered.

Secrecy as  
to union  
membership

**49.**—(1) The records of an employee organization relating to membership or any records that may disclose whether a person is or is not a member of an employee organization or does or does not desire to be represented by an employee organization produced in a proceeding before the Tribunal is for the exclusive use of the Tribunal and its officers and shall not, except with the consent of the Tribunal, be disclosed, and no person shall, except with the consent of the Tribunal, be compelled to disclose whether a person is or is not a member of an employee organization or does or does not desire to be represented by an employee organization.

Non-  
disclosure

(2) No information or material furnished to or received by a mediator under this Act shall be disclosed, except to the Tribunal, unless otherwise authorized by the party providing the information or material.

Idem

(3) No report of a mediator shall be disclosed except to the Tribunal.

Competency  
as witness

(4) A mediator appointed under this Act is not a competent or compellable witness in proceedings before a court or other tribunal respecting any information, material or report mentioned in subsection 2 or 3, or respecting any information or material furnished to or received by him, or any statement made to or by him in an endeavour to effect a collective agreement.

(5) The chairman or any other member of a board of arbitration is not a competent or compellable witness in proceedings before a court or other tribunal respecting,

- (a) any information or material furnished to or received by him;
- (b) any evidence or representation submitted to him;  
or
- (c) any statement made by him,

in the course of his duties under this Act.

**50.** No proceedings under this Act are invalid by reason of any defect of form or any technical irregularity and no such proceedings shall be quashed or set aside if no substantial wrong or miscarriage of justice has occurred. <sup>Defects in form; technical irregularities</sup>

**51.** The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

- (a) designating the body to represent any agency of the Crown for the purpose of clause *k* of section 1;
- (b) prescribing the form and content of a statement of income and expenditure of an employee organization;
- (c) providing for and fixing the remuneration and expenses of the chairman and other members of a board and the chairman and other members of the Tribunal;
- (d) designating,
  - (i) units of employees that are appropriate bargaining units for collective bargaining purposes under this Act, and
  - (ii) designating the employee organization that shall have representation rights in relation to each of such bargaining units,

upon the day this Act comes into force;

- (e) prescribing forms and providing for their use.

**52.** The moneys required by the Crown for the purposes of this Act shall, until the end of March, 1973, be paid out <sup>Moneys required for Act</sup>

of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Commence-  
ment

**53.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**54.** This Act may be cited as *The Crown Employees Collective Bargaining Act, 1972*.



An Act to provide for  
Collective Bargaining for Crown Employees

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*1st Reading*

May 4th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. C. MACNAUGHTON  
Chairman, Management Board of Cabinet

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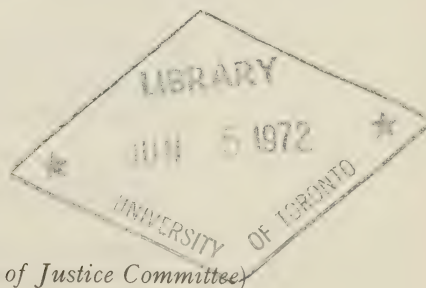
*(Government Bill)*



2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to provide for  
Collective Bargaining for Crown Employees**

THE HON. C. MACNAUGHTON  
Chairman, Management Board of Cabinet



*(Reprinted as amended by the Administration of Justice Committee)*

TORONTO

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#### EXPLANATORY NOTE

A Bill to formalize collective bargaining procedures for Crown employees was introduced in November, 1970 (Bill 217) but was not taken beyond first reading.

In the intervening period, submissions were received from, and discussions held with, all the existing bargaining representatives of Crown employees and as a result of such submissions and discussions, significant changes were made.

The purpose of the present Bill is similar to that of the previous Bill, and is to extend and regulate collective bargaining procedures in the government service under the authority of a Tribunal having power to decide matters concerning representation of employees by bargaining agents and to protect employees against unfair labour practices. The Bill provides procedures for the resolution of grievances arising out of the application or interpretation of collective agreements, as well as for the settlement of bargaining disputes.

The principal changes from Bill 217 are:

1. Identification of and a considerable broadening of those matters which are bargainable. (See Sections 6 and 17.)
2. Penalties for contravention of the Act are made applicable to representatives of the employer as well as to employees. (See Section 42.)
3. Representation rights can be achieved on receiving 50 per cent of the votes cast instead of 50 per cent of the eligible voters. (See Section 4 (2).)
4. Deletion of the right of the Lieutenant Governor in Council to exclude any matter or any position or classification from the scope of collective bargaining.
5. The members of the Ontario Provincial Police Force and the employees of colleges of applied arts and technology are removed from the scope of the Act.

## An Act to provide for Collective Bargaining for Crown Employees


**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) In this Act,

Interpre-  
tation

- (a) “adjudicator” means a member of the Ontario Public Service Labour Relations Tribunal;
- (b) “bargaining agent” means an employee organization that has representation rights under this Act;
- (c) “bargaining unit” means a unit of employees established for collective bargaining in accordance with this Act;
- (d) “board” means a board of arbitration established under this Act;
- (e) “collective agreement” means an agreement in writing between the employer and an employee organization covering terms and conditions of employment;
- (f) “Crown” means Her Majesty in right of Ontario;
- (g) “employee” means a Crown employee as defined in *The Public Service Act* but does not include,
  - (i) a member of the Ontario Provincial Police Force,
  - (ii) an employee of a college of applied arts and technology,
  - (iii) a person employed in a managerial or confidential capacity,

R.S.O. 1970,  
c. 386

- (iv) a person who is a member of the architectural, dental, engineering, legal or medical professions, entitled to practise in Ontario and employed in a professional capacity,
  - (v) a person who is employed on a casual or temporary basis unless he has been so employed continuously for a period of six months, or more,
  - (vi) a person engaged under contract in a professional or other special capacity, or for a project of a non-recurring kind, or on a temporary work assignment arranged by the Civil Service Commission in accordance with its program for providing temporary help,
  - (vii) a person engaged and employed outside Ontario, or
  - (viii) a person employed in the office of the Provincial Auditor or of the Speaker, Deputy Speaker or Clerk of the Assembly; 
- (h) “employee organization” means an organization of employees formed for the purpose of regulating relations between the employer and employees under this Act, but does not include such an organization of employees that,
- (i) receives from any of its members who are employees any money for activities carried on by or on behalf of any political party,
  - (ii) handles or pays in its own name on behalf of members who are employees any money for activities carried on by or on behalf of any political party,
  - (iii) requires as a condition of membership therein the payment by any of its members who are employees of any money for activities carried on by or on behalf of any political party,
  - (iv) supports or requires its members who are employees otherwise to support any political party, or
  - (v) discriminates against any employee because of age, sex, race, national origin, colour or religion;

- (i) “employer” means the Crown in right of Ontario;
- (j) “lock-out” includes the closing of a place of employment, a suspension of work or a refusal by the employer to continue to employ a number of employees with a view to compel or induce the employees, or to aid another employer to compel or induce his employees, to refrain from exercising any rights or privileges under this Act or to agree to provisions or changes in provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, the employee organization or the employees;
- (k) “Minister” means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;
- (l) “party” means the employee organization that is the bargaining agent for a bargaining unit, on the one hand, and the employer, on the other hand, and “parties” means the two of them;
- (m) “person employed in a managerial or confidential capacity” means a person who,
  - (i) is employed in a position confidential to the Lieutenant Governor, a Minister of the Crown, a judge of a provincial court, the deputy head of a ministry of the Government of Ontario or the chief executive officer of any agency of the Crown,
  - (ii) is involved in the formulation of organization objectives and policy in relation to the development and administration of programs of the Government or an agency of the Crown or in the formulation of budgets of the Government or an agency of the Crown,
  - (iii) spends a significant portion of his time in the supervision of employees,
  - (iv) is required by reason of his duties or responsibilities to deal formally on behalf of the employer with a grievance of an employee,
  - (v) adjudicates or determines claims for compensation which are made pursuant to the provisions of any statute,

(vi) is employed in a position confidential to any person described in subclause i, ii, iii, iv or v,

(vii) is employed in a confidential capacity in matters relating to employee relations including a person employed in a clerical, stenographic or secretarial position in the Civil Service Commission or in a personnel office in a ministry or agency of the Government of Ontario, or

(viii) is not otherwise described in subclauses i to vii but who in the opinion of the Tribunal should not be included in a bargaining unit by reason of his duties and responsibilities to the employer;

R.S.O. 1970,  
c. 386

(n) "public servant" means a public servant as defined in *The Public Service Act* and "public service" has a corresponding meaning;

(o) "Public Service Grievance Board" means the Public Service Grievance Board established under *The Public Service Act*;

(p) "regulations" means the regulations made under this Act;

(q) "strike" includes a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slow-down or other concerted activity on the part of employees designed to restrict or interfere with work or services;

(r) "Tribunal" means the Ontario Public Service Labour Relations Tribunal.

Employer  
representa-  
tive

(2) The employer may be represented, in the case of the public service, by the Management Board of Cabinet, and in the case of an agency of the Crown, by the body designated by the regulations.

No loss of  
employment  
by lock-out,  
etc.

(3) No employee shall be deemed to have ceased to be employed by reason only of his ceasing to work for the employer as a result of a lock-out contrary to section 25 or by reason only of his being dismissed by the employer contrary to this Act or to a collective agreement.



## REPRESENTATION RIGHTS

2.—(1) Where no employee organization has representation rights in respect of a unit of employees that the employee organization claims to be appropriate for collective bargaining, an employee organization may apply at any time to the Tribunal for representation rights as bargaining agent of the employees in such unit. Application for representation rights

(2) Where a collective agreement is for a term of not more than three years, an employee organization may apply to the Tribunal for representation rights as bargaining agent of the employees in the bargaining unit only during the period between the ninetieth and one hundred and twentieth days prior to the termination of the agreement. Idem

(3) Where a collective agreement is for a term of more than three years, an employee organization may apply to the Tribunal for representation rights as bargaining agent of the employees in the bargaining unit only during the thirty-day period immediately prior to the last ninety days, Idem

(a) of the operation of the third year of the agreement;

(b) of each year that the agreement continues to operate after the third year; or

(c) of the termination of the agreement.

(4) Every application for representation rights shall be accompanied by the financial statement of the employee organization for the latest complete fiscal year or, if the employee organization has not been in existence for a complete fiscal year, for the period it has been in existence, and an affidavit both in the same form as required under subsections 1 and 2 of section 45. Application to include financial statement

(5) Every employee organization designated by the regulations shall be deemed to have been granted representation rights under this Act upon the coming into force of this Act in relation to such bargaining unit or units as are designated by the regulations. Representation rights on coming into force of Act

3.—(1) Upon an application for representation rights, the Tribunal shall, subject to subsection 2, determine the unit of employees that is appropriate for collective bargaining purposes under this Act. Tribunal to establish appropriate unit of employees

(2) The bargaining units designated in the regulations are appropriate units for collective bargaining purposes under this Act. Existing units appropriate for collective bargaining



Rep-  
resentation  
vote

4.—(1) Upon an application for representation rights by an employee organization claiming not less than 35 per cent of the employees in the appropriate bargaining unit as members, the Tribunal upon satisfying itself that not less than 35 per cent of such employees are members of the employee organization shall direct that a representation vote be taken.

Result of  
vote

(2) If, on the taking of a representation vote, more than 50 per cent of the ballots cast are in favour of the employee organization, the Tribunal shall grant representation rights to the employee organization as the bargaining agent of the employees in the bargaining unit.

Certain  
employee  
organiza-  
tions not to  
have rep-  
resentation  
rights

5. The Tribunal shall not grant representation rights to any employee organization in the formation or administration of which there has been or is, in the opinion of the Tribunal, participation by the employer or any person acting on behalf of the employer of such a nature as to impair the employee organization's fitness to represent the interests of employees in the bargaining unit.

#### NEGOTIATION OF AGREEMENTS

Bargaining  
authority



6. Upon being granted representation rights, the employee organization is authorized to bargain with the employer on terms and conditions of employment, except as to matters that are exclusively the function of the employer under subsection 1 of section 17, and, without limiting the generality of the foregoing, including rates of remuneration, hours of work, overtime and other premium allowance for work performed, the mileage rate payable to an employee for miles travelled when he is required to use his own automobile on the employer's business, benefits pertaining to time not worked by employees including paid holidays, paid vacations, group life insurance, health insurance and long-term income protection insurance, the procedures applicable to the processing of grievances, the methods of effecting promotions, demotions, transfers, layoffs or reappointments and the conditions applicable to leaves of absence for other than any elective public office or political activities or training and development.



Notice of  
desire to  
bargain

7.—(1) Upon being granted representation rights under section 4, the employee organization may give the employer written notice of its desire to bargain with the view to making a collective agreement.

Obligation  
to bargain

(2) The parties shall meet within fifteen days from the giving of the notice or within such further period as the parties agree upon and they shall bargain in good faith and make every reasonable effort to make a collective agreement.

# MEDIATION

**8.**—(1) Where notice has been given under section 7 or 20, <sup>Appoint-</sup>the Tribunal may, when advised in writing by either party <sup>ment of</sup> mediator that the parties are unable to reach agreement, appoint a mediator who shall confer with the parties and endeavour to effect a collective agreement.

(2) If the mediator is unable to effect a collective agree- <sup>Report of</sup>ment between the parties within thirty days after the date of <sup>mediator if</sup> his appointment or such longer period as the Tribunal may <sup>unable to</sup> direct or the parties may agree upon, he shall report thereupon <sup>effect</sup> to the Tribunal. <sup>agreement</sup>

# ARBITRATION

**9.** If the mediator appointed under section 8 is unable to <sup>When</sup> effect a collective agreement or if the Tribunal determines <sup>matters</sup> that a mediator should not be appointed, all matters in <sup>to be</sup> dispute coming within the scope of collective bargaining under <sup>determined</sup> this Act shall be decided by arbitration in accordance with <sup>by</sup> this Act. <sup>arbitration</sup>

**10.**—(1) A person shall be appointed by the Lieutenant <sup>Chairman</sup>Governor in Council for a renewable term of two years to be the chairman of every board of arbitration established under this Act.

(2) Within fourteen days after receipt of notice from the <sup>Appoint-</sup>Tribunal that the mediator has reported that he is unable to <sup>ment of</sup> effect a collective agreement or that the Tribunal has deter- <sup>members of</sup>mined that a mediator should not be appointed, each of the <sup>board by</sup> parties shall appoint to a board of arbitration a member who <sup>parties</sup> has indicated his willingness to act.

(3) Where a party fails to appoint a member of a board <sup>Failure of</sup> within the period of fourteen days mentioned in subsection 2 or <sup>party to</sup> 5, the Tribunal, upon the written request of either of the parties <sup>appoint</sup> shall appoint such member. <sup>member</sup>

(4) As soon as one of the parties appoints a member to a <sup>Notice of</sup> board, it shall notify in writing the other party and the <sup>appointment</sup> Tribunal of the name and address of the member appointed. <sup>by party</sup>

(5) Within fourteen days after receipt by a party of notice <sup>Vacancies</sup> from the Tribunal that the member representing its point of view has ceased to act by reason of resignation, death or otherwise before the board has completed its work, the

party shall notify the Tribunal of the person to be appointed to fill the vacancy created thereby.

Replacement  
of member

(6) If, in the opinion of the Tribunal, a member of a board, other than the chairman, has failed to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Tribunal may appoint a member in his place after consulting the party whose point of view was represented by such person.

Replacement  
of chairman

(7) If the chairman of a board is unable to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Lieutenant Governor in Council may appoint a person to act as chairman in his place.

Persons  
prohibited  
as members

(8) No person shall be appointed a member of a board who has any pecuniary interest in the matters coming before it or who is acting or has, within a period of six months preceding the date of his appointment, acted as solicitor, counsel or agent of either of the parties.

Procedure

(9) A board shall determine its own procedure but shall give full opportunity to the parties to present their evidence and make their submissions.

Idem

(10) If the members of a board are unable to agree among themselves on matters of procedure or as to the admissibility of evidence, the decision of the chairman governs.

Decision

(11) The decision of a majority of the members of a board is the decision of the board, but, if there is no majority, the decision of the chairman is the decision of the board.

Powers of  
board

(12) A board has all the powers of the Tribunal,

- (a) to summon and enforce the attendance of witnesses and to compel them to give oral or written evidence on oath or affirmation;
- (b) to administer oaths and affirmations; and
- (c) to accept or exclude any oral testimony, document or other thing.

Idem

(13) A board may,

- (a) enter any premises of the employer where work is being done or has been done by the employees or in which the employer carries on business or where anything is taking place or has taken place concerning any of the differences submitted to it or him, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any such thing or any of such differences; and
- (b) authorize any person to do anything that the board may do under clause *a* and to report thereon to the board.

**11.**—(1) The board shall examine into and decide on <sup>Duty of board</sup> matters that are in dispute within the scope of collective bargaining under this Act.

(2) In the conduct of proceedings before it and in rendering a decision in respect of a matter in dispute, the board shall <sup>Factors to be taken into account by board</sup> consider any factor that to it appears to be relevant to the matter in dispute including,

- (a) the needs of the Crown and its agencies for qualified employees;
- (b) the conditions of employment in similar occupations outside the public service, including such geographic, industrial or other variations as the board may consider relevant;
- (c) the desirability to maintain appropriate relationships in the conditions of employment as between classifications in the public service; and
- (d) the need to establish terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered.

(3) The board may, upon application by either party to a <sup>Reference back to board</sup> decision within ten days after the release of the decision, subject to affording the parties the opportunity to make representations thereupon to the board, amend, alter or vary the decision where it is shown to the satisfaction of the board that it has failed to deal with any matter in dispute referred to it or that an error is apparent on the face of the decision.



R.S.O. 1970,  
c. 25, 1971,  
c. 47 not to  
apply

(4) *The Arbitrations Act* and *The Statutory Powers Procedure Act*, 1971 do not apply to arbitrations under this Act.

Where  
agreement  
reached

**12.**—(1) Where, during the bargaining under this Act or during the proceedings before the board, the parties agree on all the matters to be included in a collective agreement, they shall put them in writing and shall execute the document, and thereupon it constitutes a collective agreement under this Act.

Decision  
of board

(2) Where, during the bargaining under this Act or during the proceedings before the board, the parties have agreed upon some matters to be included in the collective agreement and they have so notified the board in writing, the board's decision, except as otherwise agreed by the parties, shall be confined to the matters not agreed upon by the parties, and, if, following the rendering of the decision, the parties fail to agree on the terms of a collective agreement within ten days after the release of the decision or within such longer period as may be agreed upon by the parties, the board shall prepare a document giving effect to the agreement of the parties and its decision and shall submit the document to the parties for execution.

Idem

(3) The board shall, in its decision, fix the time within which and the place where the parties shall execute the document.

Failure to  
execute  
agreement

(4) If the parties or either of them fail to execute the document within such time as is fixed by the decision, the board may order that the document be in effect as though it had been executed by the parties, and the document thereupon constitutes a collective agreement under this Act, effective from the day designated in the order or, failing such designation, from the day upon which the order was made.

Agreement  
not to  
require  
legislative  
implementa-  
tion

**13.** No collective agreement or decision of a board shall contain any term which would require either directly or indirectly for its implementation the enactment or amendment of legislation except for the purpose of appropriating moneys for its implementation.

Employee  
organization  
as exclusive  
bargaining  
agent

**14.** Every collective agreement shall be deemed to provide that the employee organization that is a party thereto is recognized as the exclusive bargaining agent for the bargaining unit to which the agreement applies.

Payment of  
dues to  
employee  
organization

**15.**—(1) The parties to a collective agreement may provide for the payment by the employees of dues or contributions to the employee organization.

(2) Where the Tribunal is satisfied that an employee because of his religious convictions or belief objects to paying dues or contributions to an employee organization, the Tribunal may order that the provisions of the collective agreement pertaining thereto do not apply to such employee and that the employee is not required to pay dues or contributions to the employee organization, provided that amounts equivalent thereto are remitted by the employer to a charitable organization mutually agreed upon by the employee and the employee organization and failing such agreement then to such charitable organization registered as such under Part I of the *Income Tax Act* (Canada) as may be designated by the Tribunal.

Where objection to dues because of religious belief

1970-71.  
c. 63 (Can.)

(3) No collective agreement shall contain a provision which would require, as a condition of employment, membership in the employee organization.

Requiring membership in employee organization prohibited

**16.**—(1) If a collective agreement does not provide for its term of operation, or provides for its operation for an unspecified term, it shall be deemed to provide for a term of two years.

Minimum term of agreements

(2) If the parties fail to agree on the term of a collective agreement, the board shall not provide for a term of less than two years.

Agreement not to be less than 2 years unless parties otherwise agree

(3) A collective agreement shall not be terminated by the parties before it ceases to operate in accordance with its provisions or this Act without the consent of the Tribunal on the joint application of the parties.

Early termination of collective agreements

**17.**—(1) Every collective agreement shall be deemed to provide that it is the exclusive function of the employer to manage, which function, without limiting the generality of the foregoing, includes the right to determine employment, appointment, complement, organization, work methods and procedures, kinds and location of equipment, discipline and termination of employment, assignment, classification, job evaluation system, merit system, training and development, appraisal, superannuation and the principles and standards governing promotion, demotion, transfer, lay-off and reappointment, and that such matters will not be the subject of collective bargaining nor come within the jurisdiction of a board.

Exclusive functions of employer

(2) In addition to any other rights of grievance under a collective agreement, an employee claiming,

Grievances

(a) that his position has been improperly classified;

- (b) that he has been appraised contrary to the governing principles and standards ;
- (c) that, contrary to the governing principles and standards or to the methods of effecting promotions, demotions, transfers, lay-offs or reappointments provided in the collective agreement, he has been promoted, demoted, transferred or laid off or has not been reappointed ; or
- (d) that he has been disciplined, or dismissed or suspended from his employment, without just cause,

may process such matter in accordance with the grievance procedure provided in the collective agreement, and failing final determination under such procedure, the matter may be processed in accordance with the procedures for final determination applicable under *The Public Service Act* and the regulations thereunder.

R.S.O. 1970,  
c. 386

Arbitration  
of disputes  
under  
agreement

**18.**—(1) Every collective agreement shall be deemed to provide that in the event the parties are unable to effect a settlement of any differences between them arising from the interpretation, application, administration or alleged contravention of the agreement, including any question as to whether a matter is arbitrable, such matter may be referred for arbitration to the Public Service Grievance Board and the Board, after giving full opportunity to the parties to present their evidence and to make their submissions, shall decide the matter and its decision is final and binding upon the parties and the employees covered by the agreement.

Powers

(2) The Public Service Grievance Board has the same powers as a board of arbitration under subsections 12 and 13 of section 10.

Penalty  
where  
employee  
disciplined,  
etc.

(3) Where the Public Service Grievance Board determines that a disciplinary penalty or dismissal of an employee is excessive, it may substitute such other penalty for the discipline or dismissal as it considers just and reasonable in all the circumstances.

Enforce-  
ment of  
arbitration  
decisions

(4) Where a party or an employee has failed to comply with any of the terms of the decision of the Public Service Grievance Board, any party or employee affected by the decision may, after the expiration of fourteen days from the date of the release of the decision or the date provided in the decision for compliance, whichever is later, file in the office of the Registrar of the Supreme Court a copy of the decision,



exclusive of the reasons therefor, in the prescribed form, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.

#### OPERATION OF AGREEMENTS

**19.**—(1) A collective agreement is, subject to and for the purposes of this Act, binding upon the employer, upon the employee organization that is a party thereto and upon the employees in the bargaining unit covered by the agreement.

Binding effect of agreement

(2) Subsection 1 applies to every collective agreement covering a bargaining unit to which subsection 2 of section 3 applies, which is in operation upon the coming into force of this Act.

Application of subs. 1 to existing agreements

**20.** Either party to a collective agreement desiring to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or the making of a new agreement, may, only during the period between the ninetieth and one hundred and twentieth days prior to the termination of the agreement, give notice in writing thereof to the other party accompanied by a statement in writing of its proposed modifications, if any.

Notice of desire to bargain for renewal or new agreement

**21.**—(1) Where notice has been given by the employee organization under section 7, the conditions then in effect applicable to or binding upon the employer, the employee organization or the employees which are subject to collective bargaining within the meaning of this Act shall not be altered without the consent of the employer, the employee organization or the employees, as the case may be.

Conditions in effect when notice to bargain given not to be altered

(2) Where notice has been given by either party to a collective agreement under section 20, except as altered by an agreement in writing of the parties, the terms and provisions of the agreement then in operation shall continue to operate until a new agreement entered into pursuant to the provisions of this Act is in operation.

Agreement to continue after notice to bargain for renewal or new agreement

#### TERMINATION OF REPRESENTATION RIGHTS

**22.**—(1) If an employee organization does not enter into a collective agreement with the employer within one year after being granted representation rights or fails to give notice of its intention to bargain as provided under section 20 and no such notice has been given by the employer, the employer or

Application for termination of representation rights

any employee in the bargaining unit concerned may apply to the Tribunal for a declaration that the employee organization no longer represents the employees in the bargaining unit.

Idem	(2) Any employee in the bargaining unit covered by a collective agreement may apply to the Tribunal for a declaration that the employee organization no longer represents the employees in the bargaining unit only during the period between the ninetieth and one hundred and twentieth days prior to the termination of the agreement.
Representa- tion vote	(3) Upon the application under subsection 2, the Tribunal shall ascertain the number of employees in the bargaining unit at the time the application was made and if a majority of the employees in the bargaining unit have voluntarily signified in writing that they no longer wish to be represented by the employee organization, the Tribunal shall conduct a representation vote to determine whether or not the employees desire that the right of the employee organization to bargain on their behalf be terminated.
Result of vote	(4) If, on the taking of the representation vote, more than 50 per cent of the ballots cast are in opposition to the employee organization, the Tribunal shall declare that the employee organization that was granted representation rights or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit.
Effect of termination	(5) Upon the Tribunal declaring that the employee organization no longer represents the employees in the bargaining unit, the employee organization ceases to have such representation rights and any collective agreement in operation between the employee organization and the employer that is binding upon the employees in the bargaining unit ceases to operate and any decision of a board applying to the bargaining unit ceases to have effect.
Termination of rights where employee organization desires or has ceased to act	<b>23.—</b> (1) Where the Tribunal is advised by an employee organization that it wishes to be released of its representation rights in respect of a bargaining unit or where the Tribunal, upon application by the employer or any employee in a bargaining unit represented by an employee organization, determines that the employee organization has ceased to act on behalf of the employees, the Tribunal shall declare that the employee organization no longer represents the employees in the bargaining unit.
Where lack of qualifica- tion or obtained by fraud	(2) Where the Tribunal,  (a) upon application thereto by the employer or any employee concerned, determines that an employee

organization would not, if it were applying for representation rights in respect of a bargaining unit, be granted such rights by the Tribunal by reason of failure to qualify under clause *h* of subsection 1 of section 1; or

- (*b*) is satisfied that an employee organization has obtained representation rights in respect of a bargaining unit by fraud,

the Tribunal shall declare that the employee organization no longer represents the employees in the bargaining unit.

(3) Upon the Tribunal declaring that the employee organization no longer represents the employees in the bargaining unit, the employee organization ceases to have such representation rights and any collective agreement in operation between the employee organization and the employer that is binding upon the employees in the bargaining unit ceases to operate and any decision made by a board applying to the bargaining unit ceases to have effect. Effect of termination

#### PROHIBITIONS

**24.** No person shall attempt at the employee's place of employment to persuade him to become or refrain from becoming a member of an employee organization. Persuasion at place of work

**25.** The employer shall not cause a lock-out, and an employee shall not strike. Strike and lock-out prohibited

**26.** Nothing in this Act prohibits any suspension or discontinuance for cause of an employer's operations or the quitting of employment for cause if the suspension, discontinuance or quitting does not constitute a lock-out or strike. Suspension or quitting for cause not to constitute lock-out or strike

**27.—(1)** No person who is acting on behalf of the employer shall participate in or interfere with the selection, formation or administration of an employee organization or the representation of employees by such an organization, but nothing in this section shall be deemed to deprive the employer or any person acting on behalf of the employer of his freedom to express his views so long as he does not use coercion, intimidation, threats, promises or undue influence. Interference with employee organization prohibited

(2) The employer or any person acting on behalf of the employer shall not, Interference with employee's rights prohibited

- (*a*) refuse to employ or to continue to employ or discriminate against a person with regard to employment

or any term or condition of employment because the person is exercising any right under this Act or is or is not a member of an employee organization;

- (b) impose any condition on an appointment or in a contract of employment that seeks to restrain an employee or a person seeking employment from becoming a member of an employee organization or exercising any right under this Act;
- (c) seek by intimidation, by threat of dismissal or by any other kind of threat or by the imposition of a pecuniary or any other penalty or by any other means to compel an employee to become or refrain from becoming or to continue or cease to be a member of an employee organization, or to refrain from exercising any other right under this Act; or
- (d) refuse to employ or continue to employ or discriminate against a person with regard to employment only because the person refused to make a contribution or expenditure to or on behalf of any political party or to or on behalf of a candidate for public office,

but no person shall be deemed to have contravened this subsection by reason of any act or thing done or omitted in relation to a person employed or proposed to be employed in a managerial or confidential capacity.

Intimida-  
tion and  
coercion

(3) No person or employee organization shall seek by intimidation or coercion to compel any person to become or refrain from becoming or to continue to be or to cease to be a member of an employee organization or to refrain from exercising any other rights under this Act or from performing any obligations under this Act.

Duty of  
fair rep-  
resentation

**28.** An employee organization shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees, whether members of the employee organization or not.

Authorizing  
or  
counselling  
strikes  
prohibited

**29.** No employee organization shall declare or authorize a strike of employees, and no officer or representative of an employee organization shall counsel, procure or support the declaration or authorization of a strike of employees or the participation of employees in a strike.



## ENFORCEMENT

**30.**—(1) The Tribunal may appoint an investigator with <sup>Inquiry by</sup> authority to inquire into a complaint that, <sup>investigator</sup>

- (a) a person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment;
- (b) a person has been suspended, expelled or penalized in any way contrary to section 34;
- (c) an employee organization, employer or any person or persons has acted in any way contrary to section 28 or 35.

(2) The investigator shall forthwith inquire into the <sup>Duties</sup> complaint and endeavour to effect a settlement of the matter.

(3) The investigator shall report the results of his inquiry <sup>Report</sup> and endeavours to the Tribunal.

(4) Where an investigator is unable to effect a settlement <sup>Inquiry by</sup> of the matter or where the Tribunal in its discretion considers <sup>Tribunal</sup> it advisable to dispense with an inquiry by an investigator, the Tribunal may inquire into the complaint and,

- (a) if the Tribunal is satisfied that the person concerned has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment by the employer or by any person or employee organization it shall determine what, if anything, the employer, person or employee organization shall do or refrain from doing with respect thereto, and such determination may include the hiring or reinstatement in employment of the person concerned, with or without compensation or compensation in lieu of hiring or reinstatement for loss of earnings and other employment benefits for which compensation may be assessed against the employer, person or employee organization, jointly or severally, and the employer, person or employee organization shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or any of them by the determination;

- (b) if the Tribunal is satisfied that the person concerned has been suspended, expelled or penalized in any way contrary to section 34 it shall so declare, and thereupon the suspension, expulsion or penalty is void; or
- (c) if the Tribunal is satisfied that the employee organization, employer, person or employee concerned has acted contrary to section 28 or 35, it shall determine what, if anything, the employee organization, employer, person or employee shall do or refrain from doing with respect thereto, and such determination may include compensation for loss of earnings and other employment benefits and the employee organization, employer, person or employee shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or it.

Effect of  
settlement

(5) Where the matter complained of has been settled, whether through the endeavours of the investigator or otherwise, and the terms of the settlement have been put in writing and signed by the parties or their representatives, the settlement is binding upon the parties, the employee organization, employer, person or employee who have agreed to the settlement and shall be complied with according to its terms, and a complaint that the employee organization, employer, person or employee who has agreed to the settlement has not complied with the terms of the settlement shall be deemed to be a complaint under clause *a, b or c* of subsection 1, as the case may be.

Declaration  
of unlawful  
strike

**31.** Where it is alleged that an employee organization has declared or authorized a strike or that employees are engaging in a strike, the employer may apply to the Tribunal for a declaration that such action would be or is contrary to section 25, and the Tribunal, after affording an opportunity to the employer and the employee organization or to the employees, as the case may be, to be heard on the application, may make such a declaration.

Declaration  
of unlawful  
lock-out

**32.** Where it is alleged that the employer has declared or authorized a lock-out or is engaging in a lock-out, any of the employees directly affected thereby or the employee organization concerned may apply to the Tribunal for a declaration that such action was or is contrary to section 25, and the Tribunal after affording an opportunity to the employer and the employees or employee organization, as the case may be, to be heard on the application, may make such a declaration.

**33.** No person shall do any act if he knows or ought to know that, as a probable and reasonable consequence of the act, another person or persons will take any action contrary to section 25. Causing unlawful strikes, lock-outs

**34.** No employee organization shall suspend, expel or penalize in any way a member because he has refused to engage in or to continue to engage in any action contrary to section 25. Refusal to engage in unlawful strike

**35.**—(1) The employer or any person acting on behalf of the employer shall not, Protection of witnesses' rights

- (a) refuse to employ or continue to employ a person;
- (b) threaten dismissal or otherwise threaten a person;
- (c) discriminate against a person in regard to employment or a term or condition of employment; or
- (d) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

(2) No employee organization or person acting on behalf of an employee organization shall, Idem

- (a) discriminate against a person in regard to employment or a term or condition of employment; or
- (b) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

#### TRIBUNAL

**36.**—(1) There shall be a tribunal to be known as the Ontario Public Service Labour Relations Tribunal. Tribunal established



- Composition** (2) The Tribunal shall be composed of one or more adjudicators appointed by the Lieutenant Governor in Council as the Lieutenant Governor in Council considers appropriate.
- Chairman** (3) The Lieutenant Governor in Council shall designate one adjudicator to be the chairman.
- Vacancy** (4) A vacancy in the membership of the Tribunal for any cause may be filled by the Lieutenant Governor in Council.
- Quorum** (5) One adjudicator constitutes a quorum and is sufficient for the exercise of all the jurisdiction and powers of the Tribunal.
- Assignment of adjudicators** (6) The chairman shall from time to time assign the adjudicators of the Tribunal to its various sittings and designate one as presiding member for each sitting.
- Decision** (7) Where the Tribunal at any sitting is composed of one adjudicator, his decision constitutes a decision of the Tribunal, and, where the Tribunal at any sitting is composed of more than one adjudicator, a decision of a majority of the adjudicators, constitutes a decision of the Tribunal, provided that in the event of a tie vote, the presiding member has a casting vote.
- Jurisdiction** **37.** The Tribunal has exclusive jurisdiction to exercise the powers conferred upon it by this Act and to determine all questions of fact or law that arise in any matter before it, and, except as otherwise provided in this Act, the action or decision of the Tribunal thereon is final and binding for all purposes, but nevertheless the Tribunal may at any time, if it considers it advisable to do so, reconsider any decision, order, direction, declaration or ruling made by it and vary or revoke any such decision, order, direction, declaration or ruling.
- Question as to whether person an employee** **38.** If, in the course of bargaining for a collective agreement or during the period of operation of a collective agreement, a question arises as to whether a person is an employee, the question may be referred to the Tribunal and its decision thereon is final and binding for all purposes.
- Powers and duties of Tribunal** **39.—(1)** The Tribunal shall exercise such powers and perform such duties as are conferred upon it by this Act, including power,
- (a) to enter any premises of the employer where work is being or has been done by the employees or in which the employer carries on business and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any matter;

- (b) to enter upon the premises of the employer and conduct representation votes during working hours and give such directions in connection with the vote as it considers necessary;
- (c) to authorize any person to do anything that the Tribunal may do under clauses *a* and *b* and to report to the Tribunal thereon;
- (d) to authorize an adjudicator to inquire into any application, request, complaint, matter or thing within the jurisdiction of the Tribunal, or any part of any of them, and to report to the Tribunal thereon;
- (e) to bar an unsuccessful applicant for any period not exceeding ten months from the date of the dismissal of the unsuccessful application, or to refuse to entertain a new application by an unsuccessful applicant or by any of the employees affected by an unsuccessful application or by any person or employee organization representing such employees within any period not exceeding ten months from the date of the dismissal of the unsuccessful application;
- (f) to determine the form in which and the time as of which evidence of membership in an employee organization or of objection by employees to representation rights of an employee organization or of signification by employees that they no longer wish to be represented by an employee organization shall be presented to the Tribunal on an application for representation rights or for a declaration terminating representation rights, and to refuse to accept any evidence of membership or objection or signification that is not presented in the form and as of the time so determined; and
- (g) to administer oaths and affirmations.

(2) Notwithstanding sections 2 and 22, where an application has been made for representation rights of an employee organization as bargaining agent for employees in a bargaining unit or for a declaration that the employee organization no longer represents the employees in a bargaining unit and a final decision of the application has not been issued by the Tribunal at the time a subsequent application for such representation rights or for such a declaration is made with respect to any of the employees affected by the original application, the Tribunal may, <sup>Subsequent applications for representation rights, etc</sup>

- (a) treat the subsequent application as having been made on the date of the making of the original application;
- (b) postpone consideration of the subsequent application until a final decision has been issued on the original application and thereafter consider the subsequent application but subject to any final decision issued by the Tribunal on the original application; or
- (c) refuse to entertain the subsequent application.

Deter-  
mination of  
membership

(3) Where the Tribunal is satisfied that an employee organization has an established practice of admitting persons to membership without regard to the eligibility requirements of its charter, constitution or by-laws, the Tribunal in determining whether a person is a member of an employee organization, need not have regard for such eligibility requirements provided that any person so admitted to membership is accorded full membership status for all purposes by the employee organization.

Where choice  
between  
two or more  
employee  
organizations

(4) Where, in the taking of a representation vote, the Tribunal determines that the employees are to be given a choice between two or more employee organizations,

- (a) the Tribunal may include on a ballot a choice indicating that an employee does not wish to be represented by an employee organization; and
- (b) the Tribunal, when it decides to hold such additional representation votes as may be necessary, may eliminate from the choice on the ballot the choice from the previous ballot that has obtained the lowest number of votes cast.

Stated case

**40.**—(1) The Tribunal may of its own motion and shall upon the request of any party state a case in writing to the Court of Appeal upon any question of law.

Court to  
hear and  
determine  
stated case

(2) Where a case is stated under this section, the Court of Appeal shall hear and determine in a summary manner the question raised.

Proceedings  
stayed

(3) Pending the decision of the Court of Appeal on a case stated under this section, no further proceedings shall be taken by the Tribunal with respect to the subject-matter of the stated case but it may continue its inquiry into matters not in issue in the stated case.

**41.**—(1) The Tribunal shall determine its own practice and procedure but shall afford to the parties to any proceedings an opportunity for a hearing to present their evidence and to make their submissions, and the Tribunal may, subject to the approval of the Lieutenant Governor in Council, make rules, not inconsistent with the provisions of this Act, governing its practice and procedure and the exercise of its powers. Procedure

(2) *The Statutory Powers Procedure Act, 1971* applies to the proceedings of the Tribunal. Application of 1971, c. 47

#### OFFENCES

**42.**—(1) Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 for each day upon which such contravention occurs or continues. Contravention of Act by person

(2) Every employee organization that contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 for every day upon which such contravention occurs or continues. Contravention of Act by employee organization

(3) If an employee organization is guilty of an offence under this Act, every officer or representative thereof who assented to the commission of the offence shall be deemed to be a party to and guilty of the offence and is liable to a fine under subsection 1 as if he had been convicted of an offence under subsection 1. When officers also guilty of offence

(4) An information in respect of a contravention of any provision of this Act may be for one or more offences and no information, warrant, conviction or other proceedings in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. Information

(5) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Tribunal, which may only be granted after affording an opportunity to the parties or to the employees, as the case may be, to be heard. Consent

**43.** A prosecution for an offence may be brought against an employee organization in the name of that organization, and, for the purposes of any such prosecution, an employee organization shall be deemed to be a person, and any act or thing done or omitted by an officer or representative of an employee organization within the apparent scope of his Prosecution of employee organization



authority to act on behalf of the employee organization shall be deemed to be an act or thing done or omitted by the employee organization.

#### GENERAL

Trusteeship  
over  
employee  
organization

**44.**—(1) If the autonomy of an employee organization is suspended under the constitution and by-laws of its parent body, written notice thereof shall be given the Tribunal by the parent body within thirty days of the commencement of such suspension together with a statement in the prescribed form, verified by the affidavit of its principal officers, setting out the terms under which supervision or control is to be exercised and it shall, upon the direction of the Tribunal, file such additional information as the Tribunal from time to time may require.

Duration of  
trusteeship

(2) Any such supervision or control shall not continue for more than twelve months from the date of such suspension but such supervision or control may be continued for such further period as the Tribunal may prescribe.

Information

**45.**—(1) Every employee organization having representation rights under this Act shall, within three months after the coming into force of this Act and thereafter within three months after the end of each calendar year, file a statement with the Tribunal, certified as to the truth and accuracy thereof by the president and the treasurer, containing the following particulars:

- (a) the name of the organization;
- (b) the address of the headquarters of the organization in Ontario to which communications for the purposes of this Act may be directed;
- (c) the constitution and by-laws of the organization;
- (d) the name and address of each officer of the organization and the position held by each such officer;
- (e) the name and address of each officer and employee of the organization resident in Canada (other than a person performing primarily clerical or stenographic duties), the position held by each such officer and employee and the manner in which he was elected or appointed;
- (f) a financial statement for the latest complete fiscal year or, if the employee organization has not been in

existence for a complete fiscal year, for the period it has been in existence, consisting of,

- (i) a balance sheet showing the assets and liabilities of the organization made up for such fiscal year, and
- (ii) a statement of income and expenditure for such fiscal year, in such form and containing such particulars and other information relating to the financial position of the organization as may be prescribed by the regulations.

(2) Every financial statement shall be certified by a person licensed under *The Public Accountancy Act* and shall be accompanied by an affidavit completed by the president and treasurer of the employee organization affirming that throughout the fiscal period reported upon the employee organization was at all times qualified as an employee organization under this Act. Financial statement R.S.O. 1970, c. 373

(3) An employee organization having representation rights under this Act shall publish for its members its financial statement in the same form and within the same periods prescribed under subsections 1 and 2. Publication of financial statement

(4) Each party to a collective agreement shall forthwith after it is made, file one copy thereof with the Tribunal. Copy of agreement to be filed with Tribunal

**46.** Any action or proceeding to restrain a contravention or otherwise enforce the provisions of this Act may be commenced in the Supreme Court after notice has been given to the employees affected by posting or publication in such manner as the Tribunal may direct, and in the case of an employee organization by service thereupon at the address shown in the statement required pursuant to subsection 1 of section 45. Enforcement of Act

**47.** No member of the Tribunal or of a board or of the Public Service Grievance Board and no person appointed thereby or a mediator appointed under this Act shall be required to give evidence in any civil action, suit or other proceeding respecting information obtained in the discharge of his duties under this Act. Protection against giving evidence in civil actions

**48.—**(1) For the purposes of this Act and of any proceedings taken under it, any notice or communication, except in relation to a final decision or order of the Tribunal, sent through Her Majesty's mails shall be presumed, unless the contrary is proved, to have been received by the addressee in the ordinary course of mail. Mailed notices

Time of  
making  
certain  
applications

(2) An application for representation rights or for a declaration that an employee organization no longer represents the employees in a bargaining unit, if sent by registered mail addressed to the Tribunal at Toronto, shall be deemed to have been made on the date on which it was so mailed.

Time of  
release of  
documents

(3) A decision, determination, report, interim order, order, direction, declaration or ruling of the board, a notice from the Tribunal that it does not deem it advisable to appoint a mediator or a decision of a board,

- (a) if sent by mail to the person, employer or employee organization concerned addressed to him or it at his or its last-known address, shall be deemed to have been released on the second day after the day on which it was so mailed; or
- (b) if delivered to a person, the employer or employee organization concerned at his or its last-known address, shall be deemed to have been released on the day next after the day on which it was so delivered.

Secrecy as  
to union  
membership

**49.**—(1) The records of an employee organization relating to membership or any records that may disclose whether a person is or is not a member of an employee organization or does or does not desire to be represented by an employee organization produced in a proceeding before the Tribunal is for the exclusive use of the Tribunal and its officers and shall not, except with the consent of the Tribunal, be disclosed, and no person shall, except with the consent of the Tribunal, be compelled to disclose whether a person is or is not a member of an employee organization or does or does not desire to be represented by an employee organization.

Non-  
disclosure

(2) No information or material furnished to or received by a mediator under this Act shall be disclosed, except to the Tribunal, unless otherwise authorized by the party providing the information or material.

Idem

(3) No report of a mediator shall be disclosed except to the Tribunal.

Competency  
as witness

(4) A mediator appointed under this Act is not a competent or compellable witness in proceedings before a court or other tribunal respecting any information, material or report mentioned in subsection 2 or 3, or respecting any information or material furnished to or received by him, or any statement made to or by him in an endeavour to effect a collective agreement.



(5) The chairman or any other member of a board of arbitration is not a competent or compellable witness in proceedings before a court or other tribunal respecting,

- (a) any information or material furnished to or received by him;
- (b) any evidence or representation submitted to him; or
- (c) any statement made by him,

in the course of his duties under this Act.

**50.** No proceedings under this Act are invalid by reason of any defect of form or any technical irregularity and no such proceedings shall be quashed or set aside if no substantial wrong or miscarriage of justice has occurred. <sup>Defects in form; technical irregularities</sup>

**51.** The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

- (a) designating the body to represent any agency of the Crown for the purpose of clause *i* of subsection 1 of section 1;
- (b) prescribing the form and content of a statement of income and expenditure of an employee organization;
- (c) providing for and fixing the remuneration and expenses of the chairman and other members of a board and the chairman and other members of the Tribunal;
- (d) designating,
  - (i) units of employees that are appropriate bargaining units for collective bargaining purposes under this Act, and
  - (ii) designating the employee organization that shall have representation rights in relation to each of such bargaining units,

upon the day this Act comes into force;

- (e) prescribing forms and providing for their use.

**52.** The moneys required by the Crown for the purposes of this Act shall, until the end of March, 1973, be paid out <sup>Moneys required for Act</sup>

of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Commence-  
ment

**53.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**54.** This Act may be cited as *The Crown Employees Collective Bargaining Act, 1972*.



An Act to provide for  
Collective Bargaining for Crown Employees

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*1st Reading*

May 4th, 1972

*2nd Reading*

May 9th, 1972

*3rd Reading*

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THE HON. C. MACNAUGHTON  
Chairman, Management Board of Cabinet

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(*Reprinted as amended by the  
Administration of Justice Committee*)

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**An Act to provide for  
Collective Bargaining for Crown Employees**

THE HON. C. MACNAUGHTON  
Chairman, Management Board of Cabinet



TORONTO

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## An Act to provide for Collective Bargaining for Crown Employees

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-  
tation

- (a) “adjudicator” means a member of the Ontario Public Service Labour Relations Tribunal;
- (b) “bargaining agent” means an employee organization that has representation rights under this Act;
- (c) “bargaining unit” means a unit of employees established for collective bargaining in accordance with this Act;
- (d) “board” means a board of arbitration established under this Act;
- (e) “collective agreement” means an agreement in writing between the employer and an employee organization covering terms and conditions of employment;
- (f) “Crown” means Her Majesty in right of Ontario;
- (g) “employee” means a Crown employee as defined in *The Public Service Act* but does not include,
  - (i) a member of the Ontario Provincial Police Force,
  - (ii) an employee of a college of applied arts and technology,
  - (iii) a person employed in a managerial or confidential capacity,

R.S.O. 1970,  
c. 386

- (iv) a person who is a member of the architectural, dental, engineering, legal or medical professions, entitled to practise in Ontario and employed in a professional capacity,
  - (v) a person who is employed on a casual or temporary basis unless he has been so employed continuously for a period of six months, or more,
  - (vi) a person engaged under contract in a professional or other special capacity, or for a project of a non-recurring kind, or on a temporary work assignment arranged by the Civil Service Commission in accordance with its program for providing temporary help,
  - (vii) a person engaged and employed outside Ontario, or
  - (viii) a person employed in the office of the Provincial Auditor or of the Speaker, Deputy Speaker or Clerk of the Assembly;
- (h) "employee organization" means an organization of employees formed for the purpose of regulating relations between the employer and employees under this Act, but does not include such an organization of employees that,
- (i) receives from any of its members who are employees any money for activities carried on by or on behalf of any political party,
  - (ii) handles or pays in its own name on behalf of members who are employees any money for activities carried on by or on behalf of any political party,
  - (iii) requires as a condition of membership therein the payment by any of its members who are employees of any money for activities carried on by or on behalf of any political party,
  - (iv) supports or requires its members who are employees otherwise to support any political party, or
  - (v) discriminates against any employee because of age, sex, race, national origin, colour or religion;

- (i) "employer" means the Crown in right of Ontario;
- (j) "lock-out" includes the closing of a place of employment, a suspension of work or a refusal by the employer to continue to employ a number of employees with a view to compel or induce the employees, or to aid another employer to compel or induce his employees, to refrain from exercising any rights or privileges under this Act or to agree to provisions or changes in provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, the employee organization or the employees;
- (k) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;
- (l) "party" means the employee organization that is the bargaining agent for a bargaining unit, on the one hand, and the employer, on the other hand, and "parties" means the two of them;
- (m) "person employed in a managerial or confidential capacity" means a person who,
  - (i) is employed in a position confidential to the Lieutenant Governor, a Minister of the Crown, a judge of a provincial court, the deputy head of a ministry of the Government of Ontario or the chief executive officer of any agency of the Crown,
  - (ii) is involved in the formulation of organization objectives and policy in relation to the development and administration of programs of the Government or an agency of the Crown or in the formulation of budgets of the Government or an agency of the Crown,
  - (iii) spends a significant portion of his time in the supervision of employees,
  - (iv) is required by reason of his duties or responsibilities to deal formally on behalf of the employer with a grievance of an employee,
  - (v) adjudicates or determines claims for compensation which are made pursuant to the provisions of any statute,

- (vi) is employed in a position confidential to any person described in subclause i, ii, iii, iv or v,
- (vii) is employed in a confidential capacity in matters relating to employee relations including a person employed in a clerical, stenographic or secretarial position in the Civil Service Commission or in a personnel office in a ministry or agency of the Government of Ontario, or
- (viii) is not otherwise described in subclauses i to vii but who in the opinion of the Tribunal should not be included in a bargaining unit by reason of his duties and responsibilities to the employer;

R.S.O. 1970,  
c. 386

- (n) "public servant" means a public servant as defined in *The Public Service Act* and "public service" has a corresponding meaning;
- (o) "Public Service Grievance Board" means the Public Service Grievance Board established under *The Public Service Act*;
- (p) "regulations" means the regulations made under this Act;
- (q) "strike" includes a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slow-down or other concerted activity on the part of employees designed to restrict or interfere with work or services;
- (r) "Tribunal" means the Ontario Public Service Labour Relations Tribunal.

Employer  
representative

(2) The employer may be represented, in the case of the public service, by the Management Board of Cabinet, and in the case of an agency of the Crown, by the body designated by the regulations.

No loss of  
employment  
by lock-out,  
etc.

(3) No employee shall be deemed to have ceased to be employed by reason only of his ceasing to work for the employer as a result of a lock-out contrary to section 25 or by reason only of his being dismissed by the employer contrary to this Act or to a collective agreement.

## REPRESENTATION RIGHTS

**2.—**(1) Where no employee organization has representation rights in respect of a unit of employees that the employee organization claims to be appropriate for collective bargaining, an employee organization may apply at any time to the Tribunal for representation rights as bargaining agent of the employees in such unit. Application for representation rights

(2) Where a collective agreement is for a term of not more than three years, an employee organization may apply to the Tribunal for representation rights as bargaining agent of the employees in the bargaining unit only during the period between the ninetieth and one hundred and twentieth days prior to the termination of the agreement. Idem

(3) Where a collective agreement is for a term of more than three years, an employee organization may apply to the Tribunal for representation rights as bargaining agent of the employees in the bargaining unit only during the thirty-day period immediately prior to the last ninety days, Idem

(a) of the operation of the third year of the agreement;

(b) of each year that the agreement continues to operate after the third year; or

(c) of the termination of the agreement.

(4) Every application for representation rights shall be accompanied by the financial statement of the employee organization for the latest complete fiscal year or, if the employee organization has not been in existence for a complete fiscal year, for the period it has been in existence, and an affidavit both in the same form as required under subsections 1 and 2 of section 45. Application to include financial statement

(5) Every employee organization designated by the regulations shall be deemed to have been granted representation rights under this Act upon the coming into force of this Act in relation to such bargaining unit or units as are designated by the regulations. Representation rights on coming into force of Act

**3.—**(1) Upon an application for representation rights, the Tribunal shall, subject to subsection 2, determine the unit of employees that is appropriate for collective bargaining purposes under this Act. Tribunal to establish appropriate unit of employees

(2) The bargaining units designated in the regulations are appropriate units for collective bargaining purposes under this Act. Existing units appropriate for collective bargaining



Rep-  
resentation  
vote

4.—(1) Upon an application for representation rights by an employee organization claiming not less than 35 per cent of the employees in the appropriate bargaining unit as members, the Tribunal upon satisfying itself that not less than 35 per cent of such employees are members of the employee organization shall direct that a representation vote be taken.

Result of  
vote

(2) If, on the taking of a representation vote, more than 50 per cent of the ballots cast are in favour of the employee organization, the Tribunal shall grant representation rights to the employee organization as the bargaining agent of the employees in the bargaining unit.

Certain  
employee  
organiza-  
tions not to  
have rep-  
resentation  
rights

5. The Tribunal shall not grant representation rights to any employee organization in the formation or administration of which there has been or is, in the opinion of the Tribunal, participation by the employer or any person acting on behalf of the employer of such a nature as to impair the employee organization's fitness to represent the interests of employees in the bargaining unit.

#### NEGOTIATION OF AGREEMENTS

Bargaining  
authority

6. Upon being granted representation rights, the employee organization is authorized to bargain with the employer on terms and conditions of employment, except as to matters that are exclusively the function of the employer under subsection 1 of section 17, and, without limiting the generality of the foregoing, including rates of remuneration, hours of work, overtime and other premium allowance for work performed, the mileage rate payable to an employee for miles travelled when he is required to use his own automobile on the employer's business, benefits pertaining to time not worked by employees including paid holidays, paid vacations, group life insurance, health insurance and long-term income protection insurance, the procedures applicable to the processing of grievances, the methods of effecting promotions, demotions, transfers, layoffs or reappointments and the conditions applicable to leaves of absence for other than any elective public office or political activities or training and development.

Notice of  
desire to  
bargain

7.—(1) Upon being granted representation rights under section 4, the employee organization may give the employer written notice of its desire to bargain with the view to making a collective agreement.

Obligation  
to bargain

(2) The parties shall meet within fifteen days from the giving of the notice or within such further period as the parties agree upon and they shall bargain in good faith and make every reasonable effort to make a collective agreement.



## MEDIATION

8.—(1) Where notice has been given under section 7 or 20, <sup>Appoint-  
ment of  
mediator</sup> the Tribunal may, when advised in writing by either party that the parties are unable to reach agreement, appoint a mediator who shall confer with the parties and endeavour to effect a collective agreement.

(2) If the mediator is unable to effect a collective agree- <sup>Report of  
mediator if  
unable to  
effect  
agreement</sup> ment between the parties within thirty days after the date of his appointment or such longer period as the Tribunal may direct or the parties may agree upon, he shall report thereupon to the Tribunal.

## ARBITRATION

9. If the mediator appointed under section 8 is unable to <sup>When  
matters  
to be  
determined  
by  
arbitration</sup> effect a collective agreement or if the Tribunal determines that a mediator should not be appointed, all matters in dispute coming within the scope of collective bargaining under this Act shall be decided by arbitration in accordance with this Act.

10.—(1) A person shall be appointed by the Lieutenant <sup>Chairman</sup> Governor in Council for a renewable term of two years to be the chairman of every board of arbitration established under this Act.

(2) Within fourteen days after receipt of notice from the <sup>Appoint-  
ment of  
members of  
board by  
parties</sup> Tribunal that the mediator has reported that he is unable to effect a collective agreement or that the Tribunal has deter- mined that a mediator should not be appointed, each of the parties shall appoint to a board of arbitration a member who has indicated his willingness to act.

(3) Where a party fails to appoint a member of a board <sup>Failure of  
party to  
appoint  
member</sup> within the period of fourteen days mentioned in subsection 2 or 5, the Tribunal, upon the written request of either of the parties shall appoint such member.

(4) As soon as one of the parties appoints a member to a <sup>Notice of  
appointment  
by party</sup> board, it shall notify in writing the other party and the Tribunal of the name and address of the member appointed.

(5) Within fourteen days after receipt by a party of notice <sup>Vacancies</sup> from the Tribunal that the member representing its point of view has ceased to act by reason of resignation, death or otherwise before the board has completed its work, the

party shall notify the Tribunal of the person to be appointed to fill the vacancy created thereby.

Replacement  
of member

(6) If, in the opinion of the Tribunal, a member of a board, other than the chairman, has failed to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Tribunal may appoint a member in his place after consulting the party whose point of view was represented by such person.

Replacement  
of chairman

(7) If the chairman of a board is unable to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Lieutenant Governor in Council may appoint a person to act as chairman in his place.

Persons  
prohibited  
as members

(8) No person shall be appointed a member of a board who has any pecuniary interest in the matters coming before it or who is acting or has, within a period of six months preceding the date of his appointment, acted as solicitor, counsel or agent of either of the parties.

Procedure

(9) A board shall determine its own procedure but shall give full opportunity to the parties to present their evidence and make their submissions.

Idem

(10) If the members of a board are unable to agree among themselves on matters of procedure or as to the admissibility of evidence, the decision of the chairman governs.

Decision

(11) The decision of a majority of the members of a board is the decision of the board, but, if there is no majority, the decision of the chairman is the decision of the board.

Powers of  
board

(12) A board has all the powers of the Tribunal,

(a) to summon and enforce the attendance of witnesses and to compel them to give oral or written evidence on oath or affirmation;

(b) to administer oaths and affirmations; and

(c) to accept or exclude any oral testimony, document or other thing.

Idem

(13) A board may,

- (a) enter any premises of the employer where work is being done or has been done by the employees or in which the employer carries on business or where anything is taking place or has taken place concerning any of the differences submitted to it or him, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any such thing or any of such differences; and
- (b) authorize any person to do anything that the board may do under clause *a* and to report thereon to the board.

**11.**—(1) The board shall examine into and decide on matters that are in dispute within the scope of collective bargaining under this Act. <sup>Duty of board</sup>

(2) In the conduct of proceedings before it and in rendering a decision in respect of a matter in dispute, the board shall consider any factor that to it appears to be relevant to the matter in dispute including, <sup>Factors to be taken into account by board</sup>

- (a) the needs of the Crown and its agencies for qualified employees;
- (b) the conditions of employment in similar occupations outside the public service, including such geographic, industrial or other variations as the board may consider relevant;
- (c) the desirability to maintain appropriate relationships in the conditions of employment as between classifications in the public service; and
- (d) the need to establish terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered.

(3) The board may, upon application by either party to a decision within ten days after the release of the decision, subject to affording the parties the opportunity to make representations thereupon to the board, amend, alter or vary the decision where it is shown to the satisfaction of the board that it has failed to deal with any matter in dispute referred to it or that an error is apparent on the face of the decision. <sup>Reference back to board</sup>

R.S.O. 1970,  
c. 25, 1971,  
c. 47 not to  
apply

(4) *The Arbitrations Act* and *The Statutory Powers Procedure Act, 1971* do not apply to arbitrations under this Act.

Where  
agreement  
reached

**12.**—(1) Where, during the bargaining under this Act or during the proceedings before the board, the parties agree on all the matters to be included in a collective agreement, they shall put them in writing and shall execute the document, and thereupon it constitutes a collective agreement under this Act.

Decision  
of board

(2) Where, during the bargaining under this Act or during the proceedings before the board, the parties have agreed upon some matters to be included in the collective agreement and they have so notified the board in writing, the board's decision, except as otherwise agreed by the parties, shall be confined to the matters not agreed upon by the parties, and, if, following the rendering of the decision, the parties fail to agree on the terms of a collective agreement within ten days after the release of the decision or within such longer period as may be agreed upon by the parties, the board shall prepare a document giving effect to the agreement of the parties and its decision and shall submit the document to the parties for execution.

Idem

(3) The board shall, in its decision, fix the time within which and the place where the parties shall execute the document.

Failure to  
execute  
agreement

(4) If the parties or either of them fail to execute the document within such time as is fixed by the decision, the board may order that the document be in effect as though it had been executed by the parties, and the document thereupon constitutes a collective agreement under this Act, effective from the day designated in the order or, failing such designation, from the day upon which the order was made.

Agreement  
not to  
require  
legislative  
implemen-  
tation

**13.** No collective agreement or decision of a board shall contain any term which would require either directly or indirectly for its implementation the enactment or amendment of legislation except for the purpose of appropriating moneys for its implementation.

Employee  
organization  
as exclusive  
bargaining  
agent

**14.** Every collective agreement shall be deemed to provide that the employee organization that is a party thereto is recognized as the exclusive bargaining agent for the bargaining unit to which the agreement applies.

Payment of  
dues to  
employee  
organization

**15.**—(1) The parties to a collective agreement may provide for the payment by the employees of dues or contributions to the employee organization.

(2) Where the Tribunal is satisfied that an employee because of his religious convictions or belief objects to paying dues or contributions to an employee organization, the Tribunal shall order that the provisions of the collective agreement pertaining thereto do not apply to such employee and that the employee is not required to pay dues or contributions to the employee organization, provided that amounts equivalent thereto are remitted by the employer to a charitable organization mutually agreed upon by the employee and the employee organization and failing such agreement then to such charitable organization registered as such under Part I of the *Income Tax Act* (Canada) as may be designated by the Tribunal.

Where objection to dues because of religious belief

1970-71,  
c. 63 (Can.)

(3) No collective agreement shall contain a provision which would require, as a condition of employment, membership in the employee organization.

Requiring membership in employee organization prohibited

**16.**—(1) If a collective agreement does not provide for its term of operation, or provides for its operation for an unspecified term, it shall be deemed to provide for a term of two years.

Minimum term of agreements

(2) If the parties fail to agree on the term of a collective agreement, the board shall not provide for a term of less than two years.

Agreement not to be less than 2 years unless parties otherwise agree

(3) A collective agreement shall not be terminated by the parties before it ceases to operate in accordance with its provisions or this Act without the consent of the Tribunal on the joint application of the parties.

Early termination of collective agreements

**17.**—(1) Every collective agreement shall be deemed to provide that it is the exclusive function of the employer to manage, which function, without limiting the generality of the foregoing, includes the right to determine employment, appointment, complement, organization, work methods and procedures, kinds and location of equipment, discipline and termination of employment, assignment, classification, job evaluation system, merit system, training and development, appraisal, superannuation and the principles and standards governing promotion, demotion, transfer, lay-off and reappointment, and that such matters will not be the subject of collective bargaining nor come within the jurisdiction of a board.

Exclusive functions of employer

(2) In addition to any other rights of grievance under a collective agreement, an employee claiming,

Grievances

(a) that his position has been improperly classified;



- (b) that he has been appraised contrary to the governing principles and standards ;
- (c) that, contrary to the governing principles and standards or to the methods of effecting promotions, demotions, transfers, lay-offs or reappointments provided in the collective agreement, he has been promoted, demoted, transferred or laid off or has not been reappointed ; or
- (d) that he has been disciplined, or dismissed or suspended from his employment, without just cause,

may process such matter in accordance with the grievance procedure provided in the collective agreement, and failing final determination under such procedure, the matter may be processed in accordance with the procedures for final determination applicable under *The Public Service Act* and the regulations thereunder.

R.S.O. 1970,  
c. 386

Arbitration  
of disputes  
under  
agreement

**18.—(1)** Every collective agreement shall be deemed to provide that in the event the parties are unable to effect a settlement of any differences between them arising from the interpretation, application, administration or alleged contravention of the agreement, including any question as to whether a matter is arbitrable, such matter may be referred for arbitration to the Public Service Grievance Board and the Board, after giving full opportunity to the parties to present their evidence and to make their submissions, shall decide the matter and its decision is final and binding upon the parties and the employees covered by the agreement.

Powers

(2) The Public Service Grievance Board has the same powers as a board of arbitration under subsections 12 and 13 of section 10.

Penalty  
where  
employee  
disciplined,  
etc.

(3) Where the Public Service Grievance Board determines that a disciplinary penalty or dismissal of an employee is excessive, it may substitute such other penalty for the discipline or dismissal as it considers just and reasonable in all the circumstances.

Enforce-  
ment of  
arbitration  
decisions

(4) Where a party or an employee has failed to comply with any of the terms of the decision of the Public Service Grievance Board, any party or employee affected by the decision may, after the expiration of fourteen days from the date of the release of the decision or the date provided in the decision for compliance, whichever is later, file in the office of the Registrar of the Supreme Court a copy of the decision,



exclusive of the reasons therefor, in the prescribed form, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.

#### OPERATION OF AGREEMENTS

**19.**—(1) A collective agreement is, subject to and for the purposes of this Act, binding upon the employer, upon the employee organization that is a party thereto and upon the employees in the bargaining unit covered by the agreement. Binding effect of agreement

(2) Subsection 1 applies to every collective agreement covering a bargaining unit to which subsection 2 of section 3 applies, which is in operation upon the coming into force of this Act. Application of subs. 1 to existing agreements

**20.** Either party to a collective agreement desiring to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or the making of a new agreement, may, only during the period between the ninetieth and one hundred and twentieth days prior to the termination of the agreement, give notice in writing thereof to the other party accompanied by a statement in writing of its proposed modifications, if any. Notice of desire to bargain for renewal or new agreement

**21.**—(1) Where notice has been given by the employee organization under section 7, the conditions then in effect applicable to or binding upon the employer, the employee organization or the employees which are subject to collective bargaining within the meaning of this Act shall not be altered without the consent of the employer, the employee organization or the employees, as the case may be. Conditions in effect when notice to bargain given not to be altered

(2) Where notice has been given by either party to a collective agreement under section 20, except as altered by an agreement in writing of the parties, the terms and provisions of the agreement then in operation shall continue to operate until a new agreement entered into pursuant to the provisions of this Act is in operation. Agreement to continue after notice to bargain for renewal or new agreement

#### TERMINATION OF REPRESENTATION RIGHTS

**22.**—(1) If an employee organization does not enter into a collective agreement with the employer within one year after being granted representation rights or fails to give notice of its intention to bargain as provided under section 20 and no such notice has been given by the employer, the employer or Application for termination of representation rights

any employee in the bargaining unit concerned may apply to the Tribunal for a declaration that the employee organization no longer represents the employees in the bargaining unit.

Idem

(2) Any employee in the bargaining unit covered by a collective agreement may apply to the Tribunal for a declaration that the employee organization no longer represents the employees in the bargaining unit only during the period between the ninetieth and one hundred and twentieth days prior to the termination of the agreement.

Representation  
vote

(3) Upon the application under subsection 2, the Tribunal shall ascertain the number of employees in the bargaining unit at the time the application was made and if a majority of the employees in the bargaining unit have voluntarily signified in writing that they no longer wish to be represented by the employee organization, the Tribunal shall conduct a representation vote to determine whether or not the employees desire that the right of the employee organization to bargain on their behalf be terminated.

Result of  
vote

(4) If, on the taking of the representation vote, more than 50 per cent of the ballots cast are in opposition to the employee organization, the Tribunal shall declare that the employee organization that was granted representation rights or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit.

Effect of  
termination

(5) Upon the Tribunal declaring that the employee organization no longer represents the employees in the bargaining unit, the employee organization ceases to have such representation rights and any collective agreement in operation between the employee organization and the employer that is binding upon the employees in the bargaining unit ceases to operate and any decision of a board applying to the bargaining unit ceases to have effect.

Termination  
of rights  
where  
employee  
organization  
desires or  
has ceased  
to act

**23.—**(1) Where the Tribunal is advised by an employee organization that it wishes to be released of its representation rights in respect of a bargaining unit or where the Tribunal, upon application by the employer or any employee in a bargaining unit represented by an employee organization, determines that the employee organization has ceased to act on behalf of the employees, the Tribunal shall declare that the employee organization no longer represents the employees in the bargaining unit.

Where lack  
of qualifica-  
tion or  
obtained  
by fraud

(2) Where the Tribunal,

(a) upon application thereto by the employer or any employee concerned, determines that an employee

organization would not, if it were applying for representation rights in respect of a bargaining unit, be granted such rights by the Tribunal by reason of failure to qualify under clause *h* of subsection 1 of section 1; or

- (*b*) is satisfied that an employee organization has obtained representation rights in respect of a bargaining unit by fraud,

the Tribunal shall declare that the employee organization no longer represents the employees in the bargaining unit.

(3) Upon the Tribunal declaring that the employee organization no longer represents the employees in the bargaining unit, the employee organization ceases to have such representation rights and any collective agreement in operation between the employee organization and the employer that is binding upon the employees in the bargaining unit ceases to operate and any decision made by a board applying to the bargaining unit ceases to have effect. Effect of termination

#### PROHIBITIONS

**24.** No person shall attempt at the employee's place of employment to persuade him to become or refrain from becoming a member of an employee organization. Persuasion at place of work

**25.** The employer shall not cause a lock-out, and an employee shall not strike. Strike and lock-out prohibited

**26.** Nothing in this Act prohibits any suspension or discontinuance for cause of an employer's operations or the quitting of employment for cause if the suspension, discontinuance or quitting does not constitute a lock-out or strike. Suspension or quitting for cause not to constitute lock-out or strike

**27.—(1)** No person who is acting on behalf of the employer shall participate in or interfere with the selection, formation or administration of an employee organization or the representation of employees by such an organization, but nothing in this section shall be deemed to deprive the employer or any person acting on behalf of the employer of his freedom to express his views so long as he does not use coercion, intimidation, threats, promises or undue influence. Interference with employee organization prohibited

(2) The employer or any person acting on behalf of the employer shall not, Interference with employee's rights prohibited

- (*a*) refuse to employ or to continue to employ or discriminate against a person with regard to employment

or any term or condition of employment because the person is exercising any right under this Act or is or is not a member of an employee organization ;

- (b) impose any condition on an appointment or in a contract of employment that seeks to restrain an employee or a person seeking employment from becoming a member of an employee organization or exercising any right under this Act ;
- (c) seek by intimidation, by threat of dismissal or by any other kind of threat or by the imposition of a pecuniary or any other penalty or by any other means to compel an employee to become or refrain from becoming or to continue or cease to be a member of an employee organization, or to refrain from exercising any other right under this Act ; or
- (d) refuse to employ or continue to employ or discriminate against a person with regard to employment only because the person refused to make a contribution or expenditure to or on behalf of any political party or to or on behalf of a candidate for public office,

but no person shall be 'deemed to have contravened this subsection by reason of any act or thing done or omitted in relation to a person employed in a managerial or confidential capacity.

Intimidation and coercion

(3) No person or employee organization shall seek by intimidation or coercion to compel any person to become or refrain from becoming or to continue to be or to cease to be a member of an employee organization or to refrain from exercising any other rights under this Act or from performing any obligations under this Act.

Duty of fair representation

**28.** An employee organization shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees, whether members of the employee organization or not.

Authorizing or counselling strikes prohibited

**29.** No employee organization shall declare or authorize a strike of employees, and no officer or representative of an employee organization shall counsel, procure or support the declaration or authorization of a strike of employees or the participation of employees in a strike.



## ENFORCEMENT

**30.**—(1) The Tribunal may appoint an investigator with <sup>Inquiry by investigator</sup> authority to inquire into a complaint that,

- (a) a person has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment ;
- (b) a person has been suspended, expelled or penalized in any way contrary to section 34 ;
- (c) an employee organization, employer or any person or persons has acted in any way contrary to section 28 or 35.

(2) The investigator shall forthwith inquire into the <sup>Duties</sup> complaint and endeavour to effect a settlement of the matter.

(3) The investigator shall report the results of his inquiry <sup>Report</sup> and endeavours to the Tribunal.

(4) Where an investigator is unable to effect a settlement <sup>Inquiry by Tribunal</sup> of the matter or where the Tribunal in its discretion considers it advisable to dispense with an inquiry by an investigator, the Tribunal may inquire into the complaint and,

- (a) if the Tribunal is satisfied that the person concerned has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment by the employer or by any person or employee organization it shall determine what, if anything, the employer, person or employee organization shall do or refrain from doing with respect thereto, and such determination may include the hiring or reinstatement in employment of the person concerned, with or without compensation or compensation in lieu of hiring or reinstatement for loss of earnings and other employment benefits for which compensation may be assessed against the employer, person or employee organization, jointly or severally, and the employer, person or employee organization shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or any of them by the determination ;

- (b) if the Tribunal is satisfied that the person concerned has been suspended, expelled or penalized in any way contrary to section 34 it shall so declare, and thereupon the suspension, expulsion or penalty is void; or
- (c) if the Tribunal is satisfied that the employee organization, employer, person or employee concerned has acted contrary to section 28 or 35, it shall determine what, if anything, the employee organization, employer, person or employee shall do or refrain from doing with respect thereto, and such determination may include compensation for loss of earnings and other employment benefits and the employee organization, employer, person or employee shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or it.

Effect of  
settlement

(5) Where the matter complained of has been settled, whether through the endeavours of the investigator or otherwise, and the terms of the settlement have been put in writing and signed by the parties or their representatives, the settlement is binding upon the parties, the employee organization, employer, person or employee who have agreed to the settlement and shall be complied with according to its terms, and a complaint that the employee organization, employer, person or employee who has agreed to the settlement has not complied with the terms of the settlement shall be deemed to be a complaint under clause *a*, *b* or *c* of subsection 1, as the case may be.

Declaration  
of unlawful  
strike

**31.** Where it is alleged that an employee organization has declared or authorized a strike or that employees are engaging in a strike, the employer may apply to the Tribunal for a declaration that such action would be or is contrary to section 25, and the Tribunal, after affording an opportunity to the employer and the employee organization or to the employees, as the case may be, to be heard on the application, may make such a declaration.

Declaration  
of unlawful  
lock-out

**32.** Where it is alleged that the employer has declared or authorized a lock-out or is engaging in a lock-out, any of the employees directly affected thereby or the employee organization concerned may apply to the Tribunal for a declaration that such action was or is contrary to section 25, and the Tribunal after affording an opportunity to the employer and the employees or employee organization, as the case may be, to be heard on the application, may make such a declaration.



**33.** No person shall do any act if he knows or ought to know that, as a probable and reasonable consequence of the act, another person or persons will take any action contrary to section 25. Causing unlawful strikes, lock-outs

**34.** No employee organization shall suspend, expel or penalize in any way a member because he has refused to engage in or to continue to engage in any action contrary to section 25. Refusal to engage in unlawful strike

**35.**—(1) The employer or any person acting on behalf of the employer shall not, Protection of witnesses' rights

- (a) refuse to employ or continue to employ a person;
- (b) threaten dismissal or otherwise threaten a person;
- (c) discriminate against a person in regard to employment or a term or condition of employment; or
- (d) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

(2) No employee organization or person acting on behalf of an employee organization shall, Idem

- (a) discriminate against a person in regard to employment or a term or condition of employment; or
- (b) intimidate or coerce or impose a pecuniary or other penalty on a person,

because of a belief that he may testify in a proceeding under this Act or because he has made or is about to make a disclosure that may be required of him in a proceeding under this Act or because he has made an application or filed a complaint under this Act or because he has participated or is about to participate in a proceeding under this Act.

#### TRIBUNAL

**36.**—(1) There shall be a tribunal to be known as the Ontario Public Service Labour Relations Tribunal. Tribunal established

- Composition** (2) The Tribunal shall be composed of one or more adjudicators appointed by the Lieutenant Governor in Council as the Lieutenant Governor in Council considers appropriate.
- Chairman** (3) The Lieutenant Governor in Council shall designate one adjudicator to be the chairman.
- Vacancy** (4) A vacancy in the membership of the Tribunal for any cause may be filled by the Lieutenant Governor in Council.
- Quorum** (5) One adjudicator constitutes a quorum and is sufficient for the exercise of all the jurisdiction and powers of the Tribunal.
- Assignment of adjudicators** (6) The chairman shall from time to time assign the adjudicators of the Tribunal to its various sittings and designate one as presiding member for each sitting.
- Decision** (7) Where the Tribunal at any sitting is composed of one adjudicator, his decision constitutes a decision of the Tribunal, and, where the Tribunal at any sitting is composed of more than one adjudicator, a decision of a majority of the adjudicators, constitutes a decision of the Tribunal, provided that in the event of a tie vote, the presiding member has a casting vote.
- Jurisdiction** **37.** The Tribunal has exclusive jurisdiction to exercise the powers conferred upon it by this Act and to determine all questions of fact or law that arise in any matter before it, and, except as otherwise provided in this Act, the action or decision of the Tribunal thereon is final and binding for all purposes, but nevertheless the Tribunal may at any time, if it considers it advisable to do so, reconsider any decision, order, direction, declaration or ruling made by it and vary or revoke any such decision, order, direction, declaration or ruling.
- Question as to whether person an employee** **38.** If, in the course of bargaining for a collective agreement or during the period of operation of a collective agreement, a question arises as to whether a person is an employee, the question may be referred to the Tribunal and its decision thereon is final and binding for all purposes.
- Powers and duties of Tribunal** **39.—(1)** The Tribunal shall exercise such powers and perform such duties as are conferred upon it by this Act, including power,
- (a) to enter any premises of the employer where work is being or has been done by the employees or in which the employer carries on business and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any matter;

- (b) to enter upon the premises of the employer and conduct representation votes during working hours and give such directions in connection with the vote as it considers necessary;
- (c) to authorize any person to do anything that the Tribunal may do under clauses *a* and *b* and to report to the Tribunal thereon;
- (d) to authorize an adjudicator to inquire into any application, request, complaint, matter or thing within the jurisdiction of the Tribunal, or any part of any of them, and to report to the Tribunal thereon;
- (e) to bar an unsuccessful applicant for any period not exceeding ten months from the date of the dismissal of the unsuccessful application, or to refuse to entertain a new application by an unsuccessful applicant or by any of the employees affected by an unsuccessful application or by any person or employee organization representing such employees within any period not exceeding ten months from the date of the dismissal of the unsuccessful application;
- (f) to determine the form in which and the time as of which evidence of membership in an employee organization or of objection by employees to representation rights of an employee organization or of signification by employees that they no longer wish to be represented by an employee organization shall be presented to the Tribunal on an application for representation rights or for a declaration terminating representation rights, and to refuse to accept any evidence of membership or objection or signification that is not presented in the form and as of the time so determined; and
- (g) to administer oaths and affirmations.

(2) Notwithstanding sections 2 and 22, where an application has been made for representation rights of an employee organization as bargaining agent for employees in a bargaining unit or for a declaration that the employee organization no longer represents the employees in a bargaining unit and a final decision of the application has not been issued by the Tribunal at the time a subsequent application for such representation rights or for such a declaration is made with respect to any of the employees affected by the original application, the Tribunal may, <sup>Subsequent applications for representation rights, etc</sup>

- (a) treat the subsequent application as having been made on the date of the making of the original application;
- (b) postpone consideration of the subsequent application until a final decision has been issued on the original application and thereafter consider the subsequent application but subject to any final decision issued by the Tribunal on the original application; or
- (c) refuse to entertain the subsequent application.

Deter-  
mination of  
membership

(3) Where the Tribunal is satisfied that an employee organization has an established practice of admitting persons to membership without regard to the eligibility requirements of its charter, constitution or by-laws, the Tribunal in determining whether a person is a member of an employee organization, need not have regard for such eligibility requirements provided that any person so admitted to membership is accorded full membership status for all purposes by the employee organization.

Where choice  
between  
two or more  
employee  
organizations

(4) Where, in the taking of a representation vote, the Tribunal determines that the employees are to be given a choice between two or more employee organizations,

- (a) the Tribunal may include on a ballot a choice indicating that an employee does not wish to be represented by an employee organization; and
- (b) the Tribunal, when it decides to hold such additional representation votes as may be necessary, may eliminate from the choice on the ballot the choice from the previous ballot that has obtained the lowest number of votes cast.

Stated case

**40.**—(1) The Tribunal may of its own motion and shall upon the request of any party state a case in writing to the Court of Appeal upon any question of law.

Court to  
hear and  
determine  
stated case

(2) Where a case is stated under this section, the Court of Appeal shall hear and determine in a summary manner the question raised.

Proceedings  
stayed

(3) Pending the decision of the Court of Appeal on a case stated under this section, no further proceedings shall be taken by the Tribunal with respect to the subject-matter of the stated case but it may continue its inquiry into matters not in issue in the stated case.

**41.**—(1) The Tribunal shall determine its own practice and procedure but shall afford to the parties to any proceedings an opportunity for a hearing to present their evidence and to make their submissions, and the Tribunal may, subject to the approval of the Lieutenant Governor in Council, make rules, not inconsistent with the provisions of this Act, governing its practice and procedure and the exercise of its powers. Procedure

(2) *The Statutory Powers Procedure Act, 1971* applies to the proceedings of the Tribunal. Application of 1971, c. 47

#### OFFENCES

**42.**—(1) Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 for each day upon which such contravention occurs or continues. Contra-vention of Act by person

(2) Every employee organization that contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 for every day upon which such contravention occurs or continues. Contra-vention of Act by employee organization

(3) If an employee organization is guilty of an offence under this Act, every officer or representative thereof who assented to the commission of the offence shall be deemed to be a party to and guilty of the offence and is liable to a fine under subsection 1 as if he had been convicted of an offence under subsection 1. When officers also guilty of offence

(4) An information in respect of a contravention of any provision of this Act may be for one or more offences and no information, warrant, conviction or other proceedings in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. Informa-tion

(5) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Tribunal, which may only be granted after affording an opportunity to the parties or to the employees, as the case may be, to be heard. Consent

**43.** A prosecution for an offence may be brought against an employee organization in the name of that organization, and, for the purposes of any such prosecution, an employee organization shall be deemed to be a person, and any act or thing done or omitted by an officer or representative of an employee organization within the apparent scope of his Prosecution of employee organization



authority to act on behalf of the employee organization shall be deemed to be an act or thing done or omitted by the employee organization.

#### GENERAL

Trusteeship  
over  
employee  
organization

**44.**—(1) If the autonomy of an employee organization is suspended under the constitution and by-laws of its parent body, written notice thereof shall be given the Tribunal by the parent body within thirty days of the commencement of such suspension together with a statement in the prescribed form, verified by the affidavit of its principal officers, setting out the terms under which supervision or control is to be exercised and it shall, upon the direction of the Tribunal, file such additional information as the Tribunal from time to time may require.

Duration of  
trusteeship

(2) Any such supervision or control shall not continue for more than twelve months from the date of such suspension but such supervision or control may be continued for such further period as the Tribunal may prescribe.

Information

**45.**—(1) Every employee organization having representation rights under this Act shall, within three months after the coming into force of this Act and thereafter within three months after the end of each calendar year, file a statement with the Tribunal, certified as to the truth and accuracy thereof by the president and the treasurer, containing the following particulars:

- (a) the name of the organization;
- (b) the address of the headquarters of the organization in Ontario to which communications for the purposes of this Act may be directed;
- (c) the constitution and by-laws of the organization;
- (d) the name and address of each officer of the organization and the position held by each such officer;
- (e) the name and address of each officer and employee of the organization resident in Canada (other than a person performing primarily clerical or stenographic duties), the position held by each such officer and employee and the manner in which he was elected or appointed;
- (f) a financial statement for the latest complete fiscal year or, if the employee organization has not been in



existence for a complete fiscal year, for the period it has been in existence, consisting of,

- (i) a balance sheet showing the assets and liabilities of the organization made up for such fiscal year, and
- (ii) a statement of income and expenditure for such fiscal year, in such form and containing such particulars and other information relating to the financial position of the organization as may be prescribed by the regulations.

(2) Every financial statement shall be certified by a person licensed under *The Public Accountancy Act* and shall be accompanied by an affidavit completed by the president and treasurer of the employee organization affirming that throughout the fiscal period reported upon the employee organization was at all times qualified as an employee organization under this Act.

Financial  
statement  
R.S.O. 1970,  
c. 373

(3) An employee organization having representation rights under this Act shall publish for its members its financial statement in the same form and within the same periods prescribed under subsections 1 and 2.

Publication  
of financial  
statement

(4) Each party to a collective agreement shall forthwith after it is made, file one copy thereof with the Tribunal.

Copy of  
agreement  
to be filed  
with Tribunal

**46.** Any action or proceeding to restrain a contravention or otherwise enforce the provisions of this Act may be commenced in the Supreme Court after notice has been given to the employees affected by posting or publication in such manner as the Tribunal may direct, and in the case of an employee organization by service thereupon at the address shown in the statement required pursuant to subsection 1 of section 45.

Enforcement  
of Act

**47.** No member of the Tribunal or of a board or of the Public Service Grievance Board and no person appointed thereby or a mediator appointed under this Act shall be required to give evidence in any civil action, suit or other proceeding respecting information obtained in the discharge of his duties under this Act.

Protection  
against  
giving  
evidence in  
civil actions

**48.—(1)** For the purposes of this Act and of any proceedings taken under it, any notice or communication, except in relation to a final decision or order of the Tribunal, sent through Her Majesty's mails shall be presumed, unless the contrary is proved, to have been received by the addressee in the ordinary course of mail.

Mailed  
notices

Time of  
making  
certain  
applications

(2) An application for representation rights or for a declaration that an employee organization no longer represents the employees in a bargaining unit, if sent by registered mail addressed to the Tribunal at Toronto, shall be deemed to have been made on the date on which it was so mailed.

Time of  
release of  
documents

(3) A decision, determination, report, interim order, order, direction, declaration or ruling of the board, a notice from the Tribunal that it does not deem it advisable to appoint a mediator or a decision of a board,

(a) if sent by mail to the person, employer or employee organization concerned addressed to him or it at his or its last-known address, shall be deemed to have been released on the second day after the day on which it was so mailed; or

(b) if delivered to a person, the employer or employee organization concerned at his or its last-known address, shall be deemed to have been released on the day next after the day on which it was so delivered.

Secrecy as  
to union  
membership

**49.—**(1) The records of an employee organization relating to membership or any records that may disclose whether a person is or is not a member of an employee organization or does or does not desire to be represented by an employee organization produced in a proceeding before the Tribunal is for the exclusive use of the Tribunal and its officers and shall not, except with the consent of the Tribunal, be disclosed, and no person shall, except with the consent of the Tribunal, be compelled to disclose whether a person is or is not a member of an employee organization or does or does not desire to be represented by an employee organization.

Non-  
disclosure

(2) No information or material furnished to or received by a mediator under this Act shall be disclosed, except to the Tribunal, unless otherwise authorized by the party providing the information or material.

Idem

(3) No report of a mediator shall be disclosed except to the Tribunal.

Competency  
as witness

(4) A mediator appointed under this Act is not a competent or compellable witness in proceedings before a court or other tribunal respecting any information, material or report mentioned in subsection 2 or 3, or respecting any information or material furnished to or received by him, or any statement made to or by him in an endeavour to effect a collective agreement.

(5) The chairman or any other member of a board of <sup>Idem</sup> arbitration is not a competent or compellable witness in proceedings before a court or other tribunal respecting,

- (a) any information or material furnished to or received by him;
- (b) any evidence or representation submitted to him;  
or
- (c) any statement made by him,

in the course of his duties under this Act.

**50.** No proceedings under this Act are invalid by reason of any defect of form or any technical irregularity and no such <sup>Defects in form; technical irregularities</sup> proceedings shall be quashed or set aside if no substantial wrong or miscarriage of justice has occurred.

**51.** The Lieutenant Governor in Council may make <sup>Regulations</sup> regulations,

- (a) designating the body to represent any agency of the Crown for the purpose of clause *i* of subsection 1 of section 1;
- (b) prescribing the form and content of a statement of income and expenditure of an employee organization;
- (c) providing for and fixing the remuneration and expenses of the chairman and other members of a board and the chairman and other members of the Tribunal;
- (d) designating,
  - (i) units of employees that are appropriate bargaining units for collective bargaining purposes under this Act, and
  - (ii) designating the employee organization that shall have representation rights in relation to each of such bargaining units,

upon the day this Act comes into force;

- (e) prescribing forms and providing for their use.

**52.** The moneys required by the Crown for the purposes <sup>Moneys required for Act</sup> of this Act shall, until the end of March, 1973, be paid out

of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Commence-  
ment

**53.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**54.** This Act may be cited as *The Crown Employees Collective Bargaining Act, 1972*.



An Act to provide for  
Collective Bargaining for Crown Employees

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*1st Reading*

May 4th, 1972

*2nd Reading*

May 9th, 1972

*3rd Reading*

May 30th, 1972

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THE HON. C. MACNAUGHTON  
Chairman, Management Board of Cabinet

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CA20N  
XB  
-B56

**BILL 106**

**Government Bill**

**Government  
Publications**

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

## **An Act to amend The Public Service Act**

THE HON. C. MACNAUGHTON  
Chairman, Management Board of Cabinet



#### EXPLANATORY NOTES

SECTION 1. The amendment is complementary to *The Crown Employees Collective Bargaining Act, 1972* and includes employees of the Workmen's Compensation Board in the definition of Crown employee.

SECTIONS 2 and 3. These amendments are complementary to *The Government Reorganization Act, 1972* and continue the chairman of the Commission with the rank of a deputy minister and provide for the staff of the Commission.

SECTION 4. The amendment substitutes a reference to *The Crown Employees Collective Bargaining Act, 1972* in place of the reference to the former bargaining provisions in sections 27 and 28 of *The Public Service Act*.

SECTION 5. The provision is deleted as obsolete.

SECTION 6. Sections 27 and 28 are repealed as they will be replaced by *The Crown Employees Collective Bargaining Act, 1972*. The new provisions contained in sections 27 and 28 deal with bargaining for members of the Ontario Provincial Police Force. The Ontario Provincial Police Negotiating Committee and the Arbitration Committee are continued and the present provisions in the regulations under *The Public Service Act* are transferred into this Act. The bargaining authority is spelled out in more detail in conformity with *The Crown Employees Collective Bargaining Act, 1972*.

The new section 28a provides for the implementation of collective agreements and awards and decisions of the Ontario Provincial Police Negotiating and Arbitration Committees.

BILL 106

1972

## An Act to amend The Public Service Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *e* of section 1 of *The Public Service Act*, being <sup>s. 1(e),</sup> amended chapter 386 of the Revised Statutes of Ontario, 1970, is amended by striking out “the Workmen’s Compensation Board” in the fourth and fifth lines.

**2.** Section 2 of the said Act is amended by adding thereto <sup>s. 2,</sup> amended the following subsection:

(3) The chairman of the Commission shall rank as and <sup>Chairman</sup> have all the powers and duties of a deputy minister <sup>to rank as</sup> of a ministry. <sup>deputy</sup>  
<sup>minister</sup>

**3.** Section 3 of the said Act, as amended by the Statutes <sup>s. 3,</sup> amended of Ontario, 1972, chapter 1, section 107, is further amended by adding thereto the following subsection:

(2) The staff of the Commission is responsible to the <sup>Staff</sup> chairman of the Commission and shall consist of such officers and servants appointed under this Act as are necessary for the proper conduct of the business of the Commission.

**4.** Clause *b* of section 4 of the said Act is amended by <sup>s. 4(b),</sup> amended striking out “negotiation under section 27 or 28” in the fourth line and inserting in lieu thereof “bargaining pursuant to *The Crown Employees Collective Bargaining Act, 1972*”.

**5.** Subsection 2 of section 17 of the said Act is repealed. <sup>s. 17(2),</sup> repealed

**6.** Sections 27 and 28 of the said Act are repealed and <sup>ss. 27, 28,</sup> re-enacted the following substituted therefor:

27.—(1) In this section,

Interpre-  
tation

- (a) "agreement" means an agreement in writing between the Crown on the one hand and the Association on the other hand;
- (b) "Arbitration Committee" means the Ontario Provincial Police Arbitration Committee;
- (c) "Association" means an association including only members of the Ontario Provincial Police Force which is not affiliated directly or indirectly with a trade union or with any organization that is affiliated directly or indirectly with a trade union and which represents a majority of such members to whom sections 27 and 28 apply for the purposes of collective bargaining;
- (d) "Negotiating Committee" means the Ontario Provincial Police Negotiation Committee.

Application  
of sections  
27, 28

- (2) Sections 27 and 28 apply to members of the Ontario Provincial Police Force who are cadets, probationary constables, constables, corporals, sergeants and staff sergeants including detective-sergeants, traffic sergeants and identification sergeants.

Bargaining  
authority

- (3) The Association is the exclusive bargaining agent authorized to represent the members of the Ontario Provincial Police Force in bargaining on rates of remuneration, hours of work, overtime and other premium allowance for work performed, benefits pertaining to time not worked by employees including, paid holidays, paid vacations, group life insurance, health insurance and long-term income protection insurance, the procedures applicable to the processing of grievances, the methods of effecting promotions, demotions, transfers, lay-offs or reappointments and the conditions applicable to leaves of absence for other than any elective public office, political activities or training and development.

Exclusive  
functions of  
employer

R.S.O. 1970,  
c. 351

- (4) Except in relation to matters governed by or under *The Police Act*, every collective agreement shall be deemed to provide that it is the exclusive function of the employer to manage including the right to determine employment, appointment, complement, organization, work methods and procedures, kinds and location of equipment, assignment, classification, job evaluation system, merit system, appraisal, superannuation and the principles and standards governing

the promotion, demotion, transfer, lay-off, reappointment, discipline and termination of employment, and that such matters will not be the subject of collective bargaining nor come within the jurisdiction of the Negotiating Committee or the Arbitration Committee.

- (5) The Ontario Provincial Police Negotiating Committee<sup>Negotiating Committee</sup> appointed by the Lieutenant Governor in Council is continued and shall be composed of,
  - (a) three members appointed by the Lieutenant Governor in Council on the recommendation of the Association to be known as the "staff side";
  - (b) three members appointed by the Lieutenant Governor in Council to be known as the "employer side"; and
  - (c) a chairman appointed by the Lieutenant Governor in Council who shall not be a member of the staff side or of the employer side and who shall not vote.
- (6) The Lieutenant Governor in Council may appoint a<sup>Acting chairman</sup> person who is not a member of the staff side or of the employer side to act as chairman when the chairman is absent.
- (7) The chairman of the Negotiating Committee shall, <sup>Duties of chairman</sup>
  - (a) at the request of a member convene a meeting of the Negotiating Committee;
  - (b) prepare the agenda for each meeting; and
  - (c) preside at each meeting.
- (8) Subject to subsection 7, at the request of a member<sup>Agenda</sup> of the Negotiating Committee, the chairman shall place upon the agenda any matter concerning,
  - (a) the amendment or renewal of an agreement or any matter that may be the subject of bargaining under this section so long as the request is made not earlier than ninety days and not later than sixty days before the expiration date of the agreement; or
  - (b) the interpretation or clarification of any clause in an agreement.

Idem

(9) Notwithstanding clause *a* of subsection 8, where,

- (a) a member of the Negotiating Committee requests that there be placed on the agenda a matter concerning the amendment or renewal of an agreement or any matter that may be the subject of bargaining under this section; and
- (b) both the staff side and the employer side of the Negotiating Committee consent that the matter referred to in clause *a* be placed on the agenda,

the chairman shall place the matter on the agenda notwithstanding that the request may have been made earlier than ninety days or later than sixty days, before the expiration date of the agreement.

Quorum

(10) A quorum of the Negotiating Committee consists of,

- (a) the chairman;
- (b) two members of the staff side; and
- (c) two members of the employer side.

Matters to be negotiated

(11) The Negotiating Committee shall negotiate such matters as are put on its agenda under subsections 8 and 9.

Grievance procedure

(12) The Negotiating Committee may establish a grievance procedure to deal with any complaint of an employee concerning working conditions or terms of employment other than a complaint to which *The Police Act* or the Code of Offences contained in the regulations made thereunder applies.R.S.O. 1970,  
c. 351

Decision

(13) Every decision of the Negotiating Committee shall be in writing and in three copies and each copy shall be signed by the chairman and by a representative of the staff side and by a representative of the employer side.

When binding

(14) A decision of the Negotiating Committee shall not be binding on the staff side or the employer side until the decision has been approved in the manner set out in subsection 15 and transmitted by the chairman for implementation as set out in subsection 16.



- (15) Approval of a decision of the Negotiating Committee shall be, <sup>Approval</sup>
- (a) on the staff side, by a decision of the Board of Directors of the Association; and
  - (b) on the employer side, by a decision of the Management Board of Cabinet.
- (16) The chairman of the Negotiating Committee shall transmit every decision of the Negotiating Committee to the proper authority to be implemented. <sup>Implementation</sup>
- 28.—(1) The Ontario Provincial Police Arbitration Committee, appointed by the Lieutenant Governor in Council, is continued and shall be composed of, <sup>Arbitration Committee</sup>
- (a) a chairman appointed for a renewable term of two years;
  - (b) one member recommended by the staff side of the Negotiating Committee; and
  - (c) one member recommended by the employer side of the Negotiating Committee.
- (2) Where a majority of the members of the Negotiating Committee is unable to agree upon any matter, the chairman shall, at the request of a member, refer the matter to the Arbitration Committee who shall, after a hearing, decide the matter and the decision of the Arbitration Committee is final and binding on the Crown, the Association and the members of the Association referred to in subsection 2 of section 27. <sup>Reference</sup>
- (3) Every decision of the Arbitration Committee shall be in writing and shall be signed by the chairman and at least one member and shall be transmitted to the chairman of the Negotiating Committee. <sup>Decision</sup>
- (4) The chairman of the Negotiating Committee shall transmit the decision of the Arbitration Committee to the proper authority to be implemented. <sup>Implementation</sup>
- 28a. Collective agreements and awards made in accordance with the collective bargaining procedures applicable to Crown employees and approved decisions of the Negotiating Committee under section 27 and decisions of the Arbitration Committee under section 28 shall <sup>Implementation of collective agreements, etc.</sup>

be implemented by the Lieutenant Governor in Council by order in council.

s. 29 (1) (b)  
amended

**7.**—(1) Clause *b* of subsection 1 of section 29 of the said Act is amended by striking out “negotiation under section 27 or 28” in the fourth line and inserting in lieu thereof “bargaining pursuant to *The Crown Employees Collective Bargaining Act, 1972*”.

s. 29 (1) (t),  
re-enacted

(2) Clause *t* of subsection 1 of the said section 29 is repealed and the following substituted therefor:

(*t*) prescribing the rules of procedure governing proceedings of the Negotiating Committee and the Arbitration Committee.

s. 29,  
amended

(3) The said section 29 is amended by adding thereto the following subsection:

Where agree-  
ment in  
conflict with  
regulation

(3) Any provision in a collective agreement that is in conflict with a provision of a regulation as it affects the employees of a bargaining unit covered by the collective agreement prevails over the provision of the regulation.

Commence-  
ment

**8.**—(1) This Act, except sections 1, 2, 3, 4, 6 and 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2 and 3 shall be deemed to have come into force on the 1st day of April, 1972.

Idem

(3) Sections 1, 4, 6 and 7 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**9.** This Act may be cited as *The Public Service Amendment Act, 1972*.

SECTION 7.—Subsection 1. See note to section 4.

Subsection 2. The Lieutenant Governor in Council is authorized to make regulations prescribing the rules of procedure governing the proceedings of the Negotiating and Arbitration Committees.

Subsection 3. The new subsection provides that where any provision of a collective agreement is in conflict with a provision in a regulation, the provision in the collective agreement prevails.





An Act to amend  
The Public Service Act

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*1st Reading*

May 4th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. C. MACNAUGHTON  
Chairman, Management Board of Cabinet

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*(Government Bill)*



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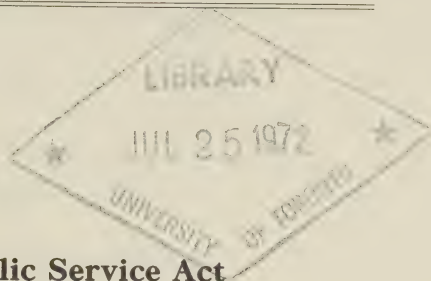
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-B56

**BILL 106**

**Government Bill**

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972



**An Act to amend The Public Service Act**

THE HON. C. MACNAUGHTON  
Chairman, Management Board of Cabinet

*(Reprinted as amended by the Committee of the Whole House)*

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The amendment is complementary to *The Crown Employees Collective Bargaining Act, 1972* and includes employees of the Workmen's Compensation Board in the definition of Crown employee.

SECTIONS 2 and 3. These amendments are complementary to *The Government Reorganization Act, 1972* and continue the chairman of the Commission with the rank of a deputy minister and provide for the staff of the Commission.

SECTION 4. The amendment substitutes a reference to *The Crown Employees Collective Bargaining Act, 1972* in place of the reference to the former bargaining provisions in sections 27 and 28 of *The Public Service Act*.

SECTION 5. The provision is deleted as obsolete.

SECTION 6. Sections 27 and 28 are repealed as they will be replaced by *The Crown Employees Collective Bargaining Act, 1972*. The new provisions contained in sections 27 and 28 deal with bargaining for members of the Ontario Provincial Police Force. The Ontario Provincial Police Negotiating Committee and the Arbitration Committee are continued and the present provisions in the regulations under *The Public Service Act* are transferred into this Act. The bargaining authority is spelled out in more detail in conformity with *The Crown Employees Collective Bargaining Act, 1972*.

The new section 28a provides for the implementation of collective agreements and awards and decisions of the Ontario Provincial Police Negotiating and Arbitration Committees.

BILL 106

1972

## An Act to amend The Public Service Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Public Service Act*, being <sup>s. 1 (e),  
amended</sup> chapter 386 of the Revised Statutes of Ontario, 1970, is amended by striking out "the Workmen's Compensation Board" in the fourth and fifth lines.

2. Section 2 of the said Act is amended by adding thereto <sup>s. 2,  
amended</sup> the following subsection:

(3) The chairman of the Commission shall rank as and <sup>Chairman  
to rank as  
deputy  
minister</sup> have all the powers and duties of a deputy minister of a ministry.

3. Section 3 of the said Act, as amended by the Statutes <sup>s. 3,  
amended</sup> of Ontario, 1972, chapter 1, section 107, is further amended by adding thereto the following subsection:

(2) The staff of the Commission is responsible to the <sup>Staff</sup> chairman of the Commission and shall consist of such officers and servants appointed under this Act as are necessary for the proper conduct of the business of the Commission.

4. Clause *b* of section 4 of the said Act is amended by <sup>s. 4 (b),  
amended</sup> striking out "negotiation under section 27 or 28" in the fourth line and inserting in lieu thereof "bargaining pursuant to *The Crown Employees Collective Bargaining Act, 1972*".

5. Subsection 2 of section 17 of the said Act is repealed. <sup>s. 17 (2),  
repealed</sup>

6. Sections 27 and 28 of the said Act are repealed and <sup>ss. 27, 28,  
re-enacted</sup> the following substituted therefor:

27.—(1) In this section,

Interpre-  
tation

- (a) "agreement" means an agreement in writing between the Crown on the one hand and the Association on the other hand;
- (b) "Arbitration Committee" means the Ontario Provincial Police Arbitration Committee;
- (c) "Association" means an association including only members of the Ontario Provincial Police Force which is not affiliated directly or indirectly with a trade union or with any organization that is affiliated directly or indirectly with a trade union and which represents a majority of such members to whom sections 27 and 28 apply for the purposes of collective bargaining;
- (d) "Negotiating Committee" means the Ontario Provincial Police Negotiation Committee.

Application  
of sections  
27, 28

- (2) Sections 27 and 28 apply to members of the Ontario Provincial Police Force who are cadets, probationary constables, constables, corporals, sergeants and staff sergeants including detective-sergeants, traffic sergeants and identification sergeants.

Bargaining  
authority

- (3) The Association is the exclusive bargaining agent authorized to represent the members of the Ontario Provincial Police Force, in bargaining with the employer on terms and conditions of employment, except as to matters that are exclusively the function of the employer under subsection 4, and, without limiting the generality of the foregoing, including rates of remuneration, hours of work, overtime and other premium allowance for work performed, the mileage rate payable to a member for miles travelled when he is required to use his own automobile on the employer's business, benefits pertaining to time not worked by members, including paid holidays, paid vacations, group life insurance, health insurance and long-term income protection insurance, the procedures applicable to the processing of grievances, the methods of effecting promotions, demotions, transfers, lay-offs or reappointments and the conditions applicable to leaves of absence for other than any elective public office, political activities or training and development.

- (4) Except in relation to matters governed by or under *The Police Act*, every collective agreement shall be deemed to provide that it is the exclusive function of the employer to manage, which function, without limiting the generality of the foregoing, includes the right to determine employment, appointment, complement, organization, work methods and procedures, kinds and location of equipment, discipline and termination of employment, assignment, classification, job evaluation system, merit system, training and development, appraisal, superannuation and the principles and standards governing promotion, demotion, transfer, lay-off and reappointment, and that such matters will not be the subject of collective bargaining nor come within the jurisdiction of the Negotiating Committee or the Arbitration Committee. <sup>Exclusive functions of employer R.S.O. 1970, c. 351</sup>
- (5) The Ontario Provincial Police Negotiating Committee appointed by the Lieutenant Governor in Council is continued and shall be composed of, <sup>Negotiating Committee</sup>
- (a) three members appointed by the Lieutenant Governor in Council on the recommendation of the Association to be known as the "staff side";
  - (b) three members appointed by the Lieutenant Governor in Council to be known as the "employer side"; and
  - (c) a chairman appointed by the Lieutenant Governor in Council who shall not be a member of the staff side or of the employer side and who shall not vote.
- (6) The Lieutenant Governor in Council may appoint a person who is not a member of the staff side or of the employer side to act as chairman when the chairman is absent. <sup>Acting chairman</sup>
- (7) The chairman of the Negotiating Committee shall, <sup>Duties of chairman</sup>
- (a) at the request of a member convene a meeting of the Negotiating Committee;
  - (b) prepare the agenda for each meeting; and
  - (c) preside at each meeting.
- (8) Subject to subsection 7, at the request of a member of the Negotiating Committee, the chairman shall place upon the agenda any matter concerning, <sup>Agenda</sup>



- (a) the amendment or renewal of an agreement or any matter that may be the subject of bargaining under this section so long as the request is made not earlier than ninety days and not later than sixty days before the expiration date of the agreement; or
  - (b) the interpretation or clarification of any clause in an agreement.
- Idem (9) Notwithstanding clause *a* of subsection 8, where,
  - (a) a member of the Negotiating Committee requests that there be placed on the agenda a matter concerning the amendment or renewal of an agreement or any matter that may be the subject of bargaining under this section; and
  - (b) both the staff side and the employer side of the Negotiating Committee consent that the matter referred to in clause *a* be placed on the agenda,

the chairman shall place the matter on the agenda notwithstanding that the request may have been made earlier than ninety days or later than sixty days, before the expiration date of the agreement.
- Quorum (10) A quorum of the Negotiating Committee consists of,
  - (a) the chairman;
  - (b) two members of the staff side; and
  - (c) two members of the employer side.
- Matters to be negotiated (11) The Negotiating Committee shall negotiate such matters as are put on its agenda under subsections 8 and 9.
- Grievance procedure (12) The Negotiating Committee may establish a grievance procedure to deal with any complaint of an employee concerning working conditions or terms of employment other than a complaint to which *The Police Act* or the Code of Offences contained in the regulations made thereunder applies.
- R.S.O. 1970, c. 351
- Decision (13) Every decision of the Negotiating Committee shall be in writing and in three copies and each copy shall be signed by the chairman and by a representative of the staff side and by a representative of the employer side.
- When binding (14) A decision of the Negotiating Committee shall not be binding on the staff side or the employer side until



the decision has been approved in the manner set out in subsection 15 and transmitted by the chairman for implementation as set out in subsection 16.

- (15) Approval of a decision of the Negotiating Committee shall be, <sup>Approval</sup>
- (a) on the staff side, by a decision of the Board of Directors of the Association; and
  - (b) on the employer side, by a decision of the Management Board of Cabinet.
- (16) The chairman of the Negotiating Committee shall <sup>Implementa-</sup>transmit every decision of the Negotiating Committee to the proper authority to be implemented.
- 28.—(1) The Ontario Provincial Police Arbitration Committee, <sup>Arbitration</sup>appointed by the Lieutenant Governor in Council, is continued and shall be composed of,
- (a) a chairman appointed for a renewable term of two years;
  - (b) one member recommended by the staff side of the Negotiating Committee; and
  - (c) one member recommended by the employer side of the Negotiating Committee.
- (2) Where a majority of the members of the Negotiating <sup>Reference</sup>Committee is unable to agree upon any matter, the chairman shall, at the request of a member, refer the matter to the Arbitration Committee who shall, after a hearing, decide the matter and the decision of the Arbitration Committee is final and binding on the Crown, the Association and the members of the Association referred to in subsection 2 of section 27.
- (3) Every decision of the Arbitration Committee shall <sup>Decision</sup>be in writing and shall be signed by the chairman and at least one member and shall be transmitted to the chairman of the Negotiating Committee.
- (4) The chairman of the Negotiating Committee shall <sup>Implementa-</sup>transmit the decision of the Arbitration Committee to the proper authority to be implemented.

Implementa-  
tion of  
collective  
agreements,  
etc.

28a. Collective agreements and awards made in accordance with the collective bargaining procedures applicable to Crown employees and approved decisions of the Negotiating Committee under section 27 and decisions of the Arbitration Committee under section 28 shall be implemented by the Lieutenant Governor in Council by order in council.

s. 29 (1) (b)  
amended

7.—(1) Clause *b* of subsection 1 of section 29 of the said Act is amended by striking out “negotiation under section 27 or 28” in the fourth line and inserting in lieu thereof “bargaining pursuant to *The Crown Employees Collective Bargaining Act, 1972*”.

s. 29 (1) (t),  
re-enacted

(2) Clause *t* of subsection 1 of the said section 29 is repealed and the following substituted therefor:

(t) prescribing the rules of procedure governing proceedings of the Negotiating Committee and the Arbitration Committee.

s. 29,  
amended

(3) The said section 29 is amended by adding thereto the following subsection:

Where agree-  
ment in  
conflict with  
regulation

(3) Any provision in a collective agreement that is in conflict with a provision of a regulation as it affects the employees of a bargaining unit covered by the collective agreement prevails over the provision of the regulation.

Commence-  
ment

8.—(1) This Act, except sections 1, 2, 3, 4, 6 and 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2 and 3 shall be deemed to have come into force on the 1st day of April, 1972.

Idem

(3) Sections 1, 4, 6 and 7 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

9. This Act may be cited as *The Public Service Amendment Act, 1972*.

SECTION 7.—Subsection 1. See note to section 4.

Subsection 2. The Lieutenant Governor in Council is authorized to make regulations prescribing the rules of procedure governing the proceedings of the Negotiating and Arbitration Committees.

Subsection 3. The new subsection provides that where any provision of a collective agreement is in conflict with a provision in a regulation, the provision in the collective agreement prevails.





An Act to amend  
The Public Service Act

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*1st Reading*

May 4th, 1972

*2nd Reading*

June 27th, 1972

*3rd Reading*

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THE HON. C. MACNAUGHTON  
Chairman, Management Board of Cabinet

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*(Reprinted as amended by the  
Committee of the Whole House)*

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

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**An Act to amend The Public Service Act**

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THE HON. C. MACNAUGHTON  
Chairman, Management Board of Cabinet

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TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER



BILL 106

1972

## An Act to amend The Public Service Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Public Service Act*, being <sup>s. 1 (e), amended</sup> chapter 386 of the Revised Statutes of Ontario, 1970, is amended by striking out "the Workmen's Compensation Board" in the fourth and fifth lines.

2. Section 2 of the said Act is amended by adding thereto <sup>s. 2, amended</sup> the following subsection:

(3) The chairman of the Commission shall rank as and <sup>Chairman to rank as deputy minister</sup> have all the powers and duties of a deputy minister of a ministry.

3. Section 3 of the said Act, as amended by the Statutes <sup>s. 3, amended</sup> of Ontario, 1972, chapter 1, section 107, is further amended by adding thereto the following subsection:

(2) The staff of the Commission is responsible to the <sup>Staff</sup> chairman of the Commission and shall consist of such officers and servants appointed under this Act as are necessary for the proper conduct of the business of the Commission.

4. Clause *b* of section 4 of the said Act is amended by <sup>s. 4 (b), amended</sup> striking out "negotiation under section 27 or 28" in the fourth line and inserting in lieu thereof "bargaining pursuant to *The Crown Employees Collective Bargaining Act, 1972*".

5. Subsection 2 of section 17 of the said Act is repealed. <sup>s. 17 (2), repealed</sup>

6. Sections 27 and 28 of the said Act are repealed and <sup>ss. 27, 28, re-enacted</sup> the following substituted therefor:

27.—(1) In this section,

Interpre-  
tation

- (a) "agreement" means an agreement in writing between the Crown on the one hand and the Association on the other hand;
- (b) "Arbitration Committee" means the Ontario Provincial Police Arbitration Committee;
- (c) "Association" means an association including only members of the Ontario Provincial Police Force which is not affiliated directly or indirectly with a trade union or with any organization that is affiliated directly or indirectly with a trade union and which represents a majority of such members to whom sections 27 and 28 apply for the purposes of collective bargaining;
- (d) "Negotiating Committee" means the Ontario Provincial Police Negotiation Committee.

Application  
of sections  
27, 28

- (2) Sections 27 and 28 apply to members of the Ontario Provincial Police Force who are cadets, probationary constables, constables, corporals, sergeants and staff sergeants including detective-sergeants, traffic sergeants and identification sergeants.

Bargaining  
authority

- (3) The Association is the exclusive bargaining agent authorized to represent the members of the Ontario Provincial Police Force, in bargaining with the employer on terms and conditions of employment, except as to matters that are exclusively the function of the employer under subsection 4, and, without limiting the generality of the foregoing, including rates of remuneration, hours of work, overtime and other premium allowance for work performed, the mileage rate payable to a member for miles travelled when he is required to use his own automobile on the employer's business, benefits pertaining to time not worked by members, including paid holidays, paid vacations, group life insurance, health insurance and long-term income protection insurance, the procedures applicable to the processing of grievances, the methods of effecting promotions, demotions, transfers, lay-offs or reappointments and the conditions applicable to leaves of absence for other than any elective public office, political activities or training and development.

- (4) Except in relation to matters governed by or under *The Police Act*, every collective agreement shall be deemed to provide that it is the exclusive function of the employer to manage, which function, without limiting the generality of the foregoing, includes the right to determine employment, appointment, complement, organization, work methods and procedures, kinds and location of equipment, discipline and termination of employment, assignment, classification, job evaluation system, merit system, training and development, appraisal, superannuation and the principles and standards governing promotion, demotion, transfer, lay-off and reappointment, and that such matters will not be the subject of collective bargaining nor come within the jurisdiction of the Negotiating Committee or the Arbitration Committee. Exclusive functions of employer R.S.O. 1970, c. 351
- (5) The Ontario Provincial Police Negotiating Committee appointed by the Lieutenant Governor in Council is continued and shall be composed of, Negotiating Committee
- (a) three members appointed by the Lieutenant Governor in Council on the recommendation of the Association to be known as the "staff side";
  - (b) three members appointed by the Lieutenant Governor in Council to be known as the "employer side"; and
  - (c) a chairman appointed by the Lieutenant Governor in Council who shall not be a member of the staff side or of the employer side and who shall not vote.
- (6) The Lieutenant Governor in Council may appoint a person who is not a member of the staff side or of the employer side to act as chairman when the chairman is absent. Acting chairman
- (7) The chairman of the Negotiating Committee shall, Duties of chairman
- (a) at the request of a member convene a meeting of the Negotiating Committee;
  - (b) prepare the agenda for each meeting; and
  - (c) preside at each meeting.
- (8) Subject to subsection 7, at the request of a member of the Negotiating Committee, the chairman shall place upon the agenda any matter concerning, Agenda

- (a) the amendment or renewal of an agreement or any matter that may be the subject of bargaining under this section so long as the request is made not earlier than ninety days and not later than sixty days before the expiration date of the agreement; or
- (b) the interpretation or clarification of any clause in an agreement.

Idem

(9) Notwithstanding clause *a* of subsection 8, where,

- (a) a member of the Negotiating Committee requests that there be placed on the agenda a matter concerning the amendment or renewal of an agreement or any matter that may be the subject of bargaining under this section; and
- (b) both the staff side and the employer side of the Negotiating Committee consent that the matter referred to in clause *a* be placed on the agenda,

the chairman shall place the matter on the agenda notwithstanding that the request may have been made earlier than ninety days or later than sixty days, before the expiration date of the agreement.

Quorum

(10) A quorum of the Negotiating Committee consists of,

- (a) the chairman;
- (b) two members of the staff side; and
- (c) two members of the employer side.

Matters to be negotiated

(11) The Negotiating Committee shall negotiate such matters as are put on its agenda under subsections 8 and 9.

Grievance procedure

(12) The Negotiating Committee may establish a grievance procedure to deal with any complaint of an employee concerning working conditions or terms of employment other than a complaint to which *The Police Act* or the Code of Offences contained in the regulations made thereunder applies.

R.S.O. 1970,  
c. 351

Decision

(13) Every decision of the Negotiating Committee shall be in writing and in three copies and each copy shall be signed by the chairman and by a representative of the staff side and by a representative of the employer side.

When binding

(14) A decision of the Negotiating Committee shall not be binding on the staff side or the employer side until



the decision has been approved in the manner set out in subsection 15 and transmitted by the chairman for implementation as set out in subsection 16.

- (15) Approval of a decision of the Negotiating Committee shall be,
  - (a) on the staff side, by a decision of the Board of Directors of the Association; and
  - (b) on the employer side, by a decision of the Management Board of Cabinet.
- (16) The chairman of the Negotiating Committee shall transmit every decision of the Negotiating Committee to the proper authority to be implemented. <sup>Implementation</sup>
- 28.—(1) The Ontario Provincial Police Arbitration Committee, appointed by the Lieutenant Governor in Council, is continued and shall be composed of, <sup>Arbitration Committee</sup>
  - (a) a chairman appointed for a renewable term of two years;
  - (b) one member recommended by the staff side of the Negotiating Committee; and
  - (c) one member recommended by the employer side of the Negotiating Committee.
- (2) Where a majority of the members of the Negotiating Committee is unable to agree upon any matter, the chairman shall, at the request of a member, refer the matter to the Arbitration Committee who shall, after a hearing, decide the matter and the decision of the Arbitration Committee is final and binding on the Crown, the Association and the members of the Association referred to in subsection 2 of section 27. <sup>Reference</sup>
- (3) Every decision of the Arbitration Committee shall be in writing and shall be signed by the chairman and at least one member and shall be transmitted to the chairman of the Negotiating Committee. <sup>Decision</sup>
- (4) The chairman of the Negotiating Committee shall transmit the decision of the Arbitration Committee to the proper authority to be implemented. <sup>Implementation</sup>

Implementa-  
tion of  
collective  
agreements,  
etc.

28a. Collective agreements and awards made in accordance with the collective bargaining procedures applicable to Crown employees and approved decisions of the Negotiating Committee under section 27 and decisions of the Arbitration Committee under section 28 shall be implemented by the Lieutenant Governor in Council by order in council.

s. 29 (1) (b)  
amended

7.—(1) Clause *b* of subsection 1 of section 29 of the said Act is amended by striking out “negotiation under section 27 or 28” in the fourth line and inserting in lieu thereof “bargaining pursuant to *The Crown Employees Collective Bargaining Act, 1972*”.

s. 29 (1) (t),  
re-enacted

(2) Clause *t* of subsection 1 of the said section 29 is repealed and the following substituted therefor:

(*t*) prescribing the rules of procedure governing proceedings of the Negotiating Committee and the Arbitration Committee.

s. 29,  
amended

(3) The said section 29 is amended by adding thereto the following subsection:

Where agree-  
ment in  
conflict with  
regulation

(3) Any provision in a collective agreement that is in conflict with a provision of a regulation as it affects the employees of a bargaining unit covered by the collective agreement prevails over the provision of the regulation.

Commence-  
ment

8.—(1) This Act, except sections 1, 2, 3, 4, 6 and 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2 and 3 shall be deemed to have come into force on the 1st day of April, 1972.

Idem

(3) Sections 1, 4, 6 and 7 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

9. This Act may be cited as *The Public Service Amendment Act, 1972*.







An Act to amend  
The Public Service Act

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*1st Reading*

May 4th, 1972

*2nd Reading*

June 27th, 1972

*3rd Reading*

June 29th, 1972

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THE HON. C. MACNAUGHTON  
Chairman, Management Board of Cabinet

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**BILL 107**

**Government Bill**

Government  
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend  
The Management Board of Cabinet Act, 1971**

THE HON. C. MACNAUGHTON  
Chairman, Management Board of Cabinet



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

This Bill deletes the authority of the Lieutenant Governor in Council to make regulations prescribing salaries of Crown employees that have been determined by negotiation. This is complementary to *The Crown Employees Collective Bargaining Act, 1972* and the amendments to *The Public Service Act*.

BILL 107

1972

**An Act to amend  
The Management Board of Cabinet Act, 1971**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of subsection 1 of section 6 of *The Management Board of Cabinet Act, 1971* (2nd Sess.), being chapter 12, is <sup>s. 6(1)(e),  
repealed</sup> repealed.
2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-  
ment</sup>
3. This Act may be cited as *The Management Board of Cabinet Amendment Act, 1972*. <sup>Short title</sup>

An Act to amend  
The Management Board of  
Cabinet Act, 1971

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*1st Reading*

May 4th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. C. MACNAUGHTON  
Chairman, Management Board of Cabinet

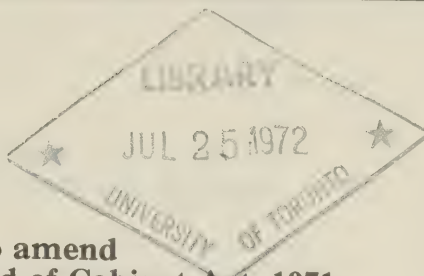
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*(Government Bill)*

**BILL 107**

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972 IV



**An Act to amend  
The Management Board of Cabinet Act, 1971**

THE HON. C. MACNAUGHTON  
Chairman, Management Board of Cabinet

*(Reprinted as amended by the Committee of the Whole House)*

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

This Bill deletes the authority of the Lieutenant Governor in Council to make regulations prescribing salaries and allowances for travelling expenses of Crown employees that have been determined by negotiation. This is complementary to *The Crown Employees Collective Bargaining Act, 1972* and the amendments to *The Public Service Act*.



BILL 107

1972

**An Act to amend  
The Management Board of Cabinet Act, 1971**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *c* of subsection 1 of section 6 of *The Management Board of Cabinet Act, 1971* (2nd Sess.), being chapter 12, is amended by adding at the end thereof “except those allowances which have been determined by bargaining under *The Crown Employees Collective Bargaining Act, 1972*”. s. 6 (1) (c),  
amended

(2) Clause *e* of subsection 1 of the said section 6 is repealed. s. 6 (1) (e),  
repealed

**2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

**3.** This Act may be cited as *The Management Board of Cabinet Amendment Act, 1972*. Short title

An Act to amend  
The Management Board of  
Cabinet Act, 1971

---

*1st Reading*

May 4th, 1972

*2nd Reading*

June 27th, 1972

*3rd Reading*

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THE HON. C. MACNAUGHTON  
Chairman, Management Board of Cabinet

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*(Reprinted as amended by  
the Committee of the Whole House)*

**BILL 107**Government  
Publications

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

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**An Act to amend  
The Management Board of Cabinet Act, 1971**

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THE HON. C. MACNAUGHTON  
Chairman, Management Board of Cabinet

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BILL 107

1972

**An Act to amend  
The Management Board of Cabinet Act, 1971**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *c* of subsection 1 of section 6 of *The Management Board of Cabinet Act, 1971* (2nd Sess.), being chapter 12, is amended by adding at the end thereof “except those allowances which have been determined by bargaining under *The Crown Employees Collective Bargaining Act, 1972*”. s. 6 (1) (c),  
amended

(2) Clause *e* of subsection 1 of the said section 6 is repealed. s. 6 (1) (e),  
repealed

**2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

**3.** This Act may be cited as *The Management Board of Cabinet Amendment Act, 1972*. Short title

An Act to amend  
The Management Board of  
Cabinet Act, 1971

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*1st Reading*

May 4th, 1972

*2nd Reading*

June 27th, 1972

*3rd Reading*

June 29th, 1972

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THE HON. C. MACNAUGHTON  
Chairman, Management Board of Cabinet

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**BILL 108**

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Consumer Protection Act**

THE HON. E. WINKLER  
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

The Bill prohibits the practice of referral selling, that is the holding out by a salesman that there will be a reduction in price or other bargain if the buyer provides names of further prospects.

## An Act to amend The Consumer Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Consumer Protection Act*, being chapter 82 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

46a.—(1) For the purposes of this section, in addition to the meanings defined in clauses *c* and *s* of section 1,

(a) “buyer” includes a person who hires or leases goods for consumption where,

(i) he has an option to purchase the goods,  
or

(ii) upon compliance with agreed terms, he will become the owner of the goods or will be entitled to keep them without further payment;

(b) “seller” includes a person who is in the business of letting goods, by hire or lease, to buyers.

(2) No seller shall hold out to a buyer or prospective buyer any advantage, benefit or gain to the buyer or prospective buyer for doing anything that purports to assist the seller in finding or selling to another prospective buyer.

(3) Notwithstanding the provision for or imposition of a penalty under this Act, any contract entered into following the holding out referred to in subsection 2 is not binding on the buyer.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Consumer Protection Amendment Act, 1972*.









An Act to amend  
The Consumer Protection Act

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*1st Reading*

May 4th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. E. WINKLER  
Minister of Consumer and  
Commercial Relations

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*(Government Bill)*

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

## An Act to amend The Consumer Protection Act

THE HON. E. WINKLER  
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



## An Act to amend The Consumer Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Consumer Protection Act*, being chapter 82 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

46a.—(1) For the purposes of this section, in addition to the meanings defined in clauses *c* and *s* of section 1,

(a) “buyer” includes a person who hires or leases goods for consumption where,

(i) he has an option to purchase the goods,  
or

(ii) upon compliance with agreed terms, he will become the owner of the goods or will be entitled to keep them without further payment;

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(3) Notwithstanding the provision for or imposition of a penalty under this Act, any contract entered into following the holding out referred to in subsection 2 is not binding on the buyer.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Consumer Protection Amendment Act, 1972*.









An Act to amend  
The Consumer Protection Act

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*1st Reading*

May 4th, 1972

*2nd Reading*

May 9th, 1972

*3rd Reading*

May 11th, 1972

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THE HON. E. WINKLER  
Minister of Consumer and  
Commercial Relations

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-B56

Government  
Publications

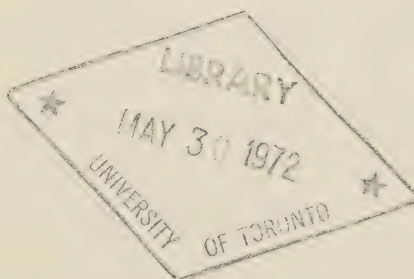
**BILL 109**

**Government Bill**

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to control Pyramid Methods for the  
distribution and sale of Commodities**

THE HON. E. WINKLER  
Minister of Consumer and Commercial Relations



#### EXPLANATORY NOTE

The Bill provides for the control of the selling method known as pyramid sales. The principal controls include,

1. Filing of and adherence to prospectuses for pyramid sales schemes and standards for prospectuses.
2. Written contracts for investors containing certain minimum statutory provisions.
3. Provision for rescission of agreements by investors and refund of money paid on return of goods up to 70% of the total investment.

## An Act to control Pyramid Methods for the distribution and sale of Commodities

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "business premises" does not include a dwelling;
- (b) "commodity" means any goods, services or rights, or other property whether tangible or intangible, capable of being the subject of sale or lease;
- (c) "Director" means the Executive Director of the Commercial Registration Division of the Ministry;
- (d) "dwelling" means any premises or any part thereof occupied as living accommodation;
- (e) "investor" means a person who gives consideration for the right to participate in a pyramid scheme;
- (f) "Minister" means the Minister of Consumer and Commercial Relations;
- (g) "Ministry" means the Ministry of Consumer and Commercial Relations;
- (h) "prescribed" means prescribed by this Act or the regulations;
- (i) "promoter" means a person who, not being an investor, receives or is entitled to receive any part of the benefits referred to in clause *j*;
- (j) "pyramid scheme" means a scheme for the distribution of a commodity whereby a person may, for valuable consideration, in any manner acquire a

commodity or a right or licence to acquire such commodity for sale, lease or otherwise,

- (i) where such person receives a gratuity or consideration, directly or indirectly, as a result of the recruitment, acquisitions, actions or performances of one or more additional participants, or
- (ii) where such person is, or may be paid, directly or indirectly, commissions, cross-commissions, bonuses, refunds, discounts, dividends, gratuities or other considerations as a result of a sale, lease or other distribution of such commodity by any additional participant,

and under circumstances where any part of the benefits referred to in subclause i or ii accrue to any other person participating in the scheme;'

(k) "Registrar" means the Registrar of Pyramid Schemes;

(l) "regulations" means the regulations made under this Act;

(m) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Ministry of Consumer and Commercial Relations Act*.

R.S.O. 1970,  
c. 113

**Registrar**      **2.—(1)** There shall be a Registrar of Pyramid Schemes who shall be appointed by the Lieutenant Governor in Council.

**Duties of Registrar**      (2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director.

**Prospectus required**      **3.** No person shall organize, operate or engage in a pyramid scheme or hold out he is organizing, operating or participating in a pyramid scheme unless a prospectus for the scheme is filed with the Registrar and a certificate of acceptance is issued therefor by the Registrar.

**Representation of governmental approval**      **4.** No person shall make any representation, written or oral, that the Director or the Registrar has passed upon the financial standing, fitness or conduct of any person in connection with any such prospectus or upon the merits of any such prospectus.

**Contents of prospectus**      **5.** Each prospectus submitted to the Registrar shall contain,



- (a) the name and address of each person, partnership, syndicate or corporation who is a promoter and, in the case of a partnership or syndicate, the name and address of each partner and, in the case of a corporation, the name and relationship of each affiliate or subsidiary corporation determined in the manner provided by *The Securities Act*;

R.S.O. 1970,  
c. 426

- (b) an address in Ontario for service of each promoter;
- (c) the particulars as to the nature of the commodity, its source of supply, the warranties to be granted to consumers, and the facilities for implementing the warranties;
- (d) the numbers and levels of investors including the number of investors in each level, the investments required to attain such levels, the control of locations and areas assigned to investors, the inventory that is to be supplied to investors for any particular investment, the terms upon which further inventory is to be made available and, where the promoter is dealing in a variety of commodities, information on the distribution of the various commodities to investors;
- (e) the provisions available and to be instituted for the training of investors and salesmen;
- (f) the manner in which the funds invested are to be disposed, including all payments of whatever kind made to participants in the scheme;
- (g) all additional charges or fees to be imposed upon an investor after investment, including further purchase obligations;
- (h) the contracts, manuals and promotional or other materials to be used; and
- (i) such other information as the Registrar may require for the proper evaluation of the scheme or as is required by the regulations.

**6.—(1)** The Registrar shall issue a certificate of acceptance Certificate of acceptance except where,

- (a) having regard to the promoter's financial position, he cannot reasonably be expected to be financially responsible in the conduct of his business;

- (b) the past conduct of the promoter or, where it is a corporation, of its officers or directors affords reasonable grounds for belief that his business will not be carried on in accordance with law and with integrity and honesty;
- (c) the promoter is or will be carrying on activities that are in contravention of this Act or the regulations;
- (d) the prospectus contains any misleading facts or omissions;
- (e) there is no immediate availability of the commodity for marketing;
- (f) there is inadequate provision for the marketing of the commodity, protection of investors and purchasers and training of investors and salesmen;
- (g) the promoter is dealing in a variety of commodities not all of which are available to the investor upon reasonable terms;
- (h) there is not available to investors a ready access to further products when needed;
- (i) the scheme does not provide for the delivery of the commodity to the investor to a retail value of at least the amount of the investment;
- (j) more than 10 per cent of the investment is devoted to finders' fees or other benefits to other participants in the scheme;
- (k) in the opinion of the Registrar, the scheme is not feasible; or
- (l) the agreement between the investor and the promoter is not a true reflection of the scheme itself.

Terms and  
conditions

(2) A certificate may be issued subject to such terms and conditions as the Registrar may specify in the certificate.

Amendments  
to prospectus

7. A promoter shall not depart from the pyramid scheme set out in the prospectus and may amend the prospectus by filing with the Registrar a supplementary prospectus setting out the change and receiving a supplementary certificate of acceptance issued by the Registrar.

8. Subject to section 9, the Registrar may suspend or <sup>Suspension or withdrawal</sup> withdraw the certificate for any reason that would disentitle the promoter to a certificate under section 6 if he were an applicant.

9.—(1) Where the Registrar proposes to refuse to grant <sup>Refusal to issue certificate</sup> a certificate of acceptance or proposes to suspend or withdraw a certificate, he shall serve notice of his proposal, together with written reasons therefor, on the promoter.

(2) A notice under subsection 1 shall inform the promoter <sup>Notice requiring hearing</sup> that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing.

(3) Where a promoter does not require a hearing by the <sup>Powers of Registrar where no hearing</sup> Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

(4) Where a promoter requires a hearing by the <sup>Powers of Tribunal where hearing</sup> Tribunal in accordance with subsection 2, the Tribunal shall appoint a time and place for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

(5) The Tribunal may attach such terms and conditions to <sup>Conditions of order</sup> its order or to the certificate of acceptance as it considers proper to give effect to the purposes of this Act and the regulations.

(6) The Registrar, the promoter and such other persons <sup>Parties</sup> as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

(7) Notwithstanding subsection 1, the Registrar may cancel <sup>Voluntary cancellation</sup> a certificate of acceptance upon the request in writing of the promoter in the prescribed form surrendering his certificate.

(8) Notwithstanding that a promoter appeals from an order <sup>Order effective, stay</sup> of the Tribunal under section 9b of *The Ministry of Consumer and Commercial Relations Act*, the order takes effect immediately, but the Tribunal may grant a stay until disposition <sup>R.S.O. 1970, c. 113</sup> of the appeal.

Application  
of ss. 11, 12

**10.** Sections 11 and 12 apply notwithstanding any agreement or waiver to the contrary.

Investor's  
agreement

**11.—**(1) Every agreement by which a person becomes an investor in a pyramid scheme,

- (a) shall be in writing;
- (b) shall contain in conspicuous print on its face the text of section 12;
- (c) shall include the sale or lease of a commodity appropriate for resale or subletting;
- (d) shall state the retail price of the commodity upon which the scheme is based;
- (e) shall contain an address in Ontario for service of the person with whom the investor enters into the agreement; and
- (f) shall be in such form and provide for such other matters as are prescribed by the regulations.

Agreement  
voidable  
where non-  
compliance

(2) Any agreement that does not comply with subsection 1 is voidable at any time at the option of the investor.

Copy of  
prospectus

(3) No promoter or investor shall enter into an agreement with a person by which such person would become an investor unless the promoter or investor has delivered a copy of the prospectus accepted under section 3 to the prospective investor at least two days before the agreement is entered into.

When  
agreement  
voidable

(4) An agreement entered into before the time required by subsection 3 is voidable at the option of the prospective investor at any time before the time when the agreement could be entered into in accordance with subsection 3.

Refund

(5) Where an agreement is voided under this section, the promoter shall pay to the investor his total investment.

Rescission  
of investor's  
agreement

**12.—**(1) Any person who enters into an agreement to become an investor may rescind the agreement by delivering a notice of rescission in writing to the person with whom he entered into the agreement and, where such person is not the promoter, to the promoter, within six months of the date of the agreement.

Notice of  
Rescission

(2) A notice of rescission may be delivered personally or sent by registered mail addressed to the person to

whom delivery is to be made at the address shown in the agreement or in the prospectus and, notwithstanding section 22, delivery by registered mail shall be deemed to have been made at the time of mailing.

(3) Where a person who has entered into an agreement to become an investor rescinds the agreement under subsection 1, he may return all or any portion of the commodity received under the scheme and in merchantable condition to the promoter who shall pay the investor 75 per cent of his total investment less the proportion of that amount that any unreturned quantity of the commodity bears to the total quantity received by the investor. <sup>Return of commodity and refund</sup>

(4) A promoter shall enter into such escrow agreement as the Registrar considers necessary or advisable to ensure that an amount equal to 75 per cent of the retail value of a commodity delivered to an investor under an agreement referred to in section 11 is available for repayment until the period during which a rescission may be made under subsection 1 expires. <sup>Escrow pending rescission</sup>

**13.**—(1) Every promoter shall maintain at such places in Ontario that have been approved in writing by the Registrar registers setting out the names and addresses of all investors in the pyramid scheme, and describing the territories that have been allotted to each. <sup>Public inspection of information</sup>

(2) A register shall be kept available for inspection by any person during reasonable business hours. <sup>Idem</sup>

(3) No person shall refuse to permit a person to inspect a register under subsection 2, or to make extracts therefrom. <sup>Idem</sup>

**14.** Every promoter shall file with the Registrar annually on the anniversary date of his certificate of acceptance, <sup>Annual return</sup>

(a) an audited financial statement ;

(b) an affidavit stating that no changes exist in the pyramid scheme ; and

(c) a copy of the register of investors.

**15.** Where the Registrar believes on reasonable and probable grounds that a promoter is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and section 9 applies *mutatis mutandis* to the order in the same manner as <sup>False advertising</sup>



to a proposal by the Registrar to refuse a certificate of acceptance and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

**Inspection**      **16.**—(1) The Registrar or any person designated by him in writing may at any reasonable time enter upon the business premises of the promoter to make an inspection to ensure that the provisions of this Act and the regulations are being complied with.

**Idem**            (2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a promoter without a prospectus and certificate of acceptance, the Registrar or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3.

**Powers on inspection**      (3) Upon an inspection under this section, the person inspecting,

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

(b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

**Admissibility of copies**      (4) Any copy made as provided in subsection 3 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

**Investigations by order of Minister**      **17.** The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person

appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act. <sup>1971, c. 49</sup>

**18.**—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has, <sup>Investigation by Director</sup>

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness to receive a certificate of acceptance under this Act, <sup>R.S.C. 1970, c. C-34</sup>

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may, <sup>Powers of investigator</sup>

- (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation;
- (b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. <sup>1971, c. 49</sup>

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. <sup>Obstruction of investigator</sup>



Search  
warrant

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of  
books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Admissi-  
bility of  
copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment  
of experts

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Matters  
confidential

**19.—**(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 16, 17 or 18, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations ; or
- (b) to his counsel ; or
- (c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations. Testimony in civil suit

**20.** Where, upon the report of an investigation made under subsection 1 of section 18, it appears to the Director that a person may have, Report

- (a) contravened any of the provisions of this Act or the regulations ; or
- (b) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness to receive a certificate of acceptance under this Act. R.S.C. 1970, c. C-34

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister.

**21.—(1)** Where,

- (a) an investigation of any person has been ordered under section 18 ; or
- (b) criminal proceedings or proceedings in relation to a contravention of any Act or regulation are about to be or have been instituted against a person that are connected with or arise out of the business in respect of which a prospectus is required under this Act,

Order to  
refrain from  
dealing with  
assets

the Director, if he believes it advisable for the protection of investors or customers of the person referred to in clause *a* or *b* may, in writing or by telegram, direct any person having on deposit or under control or for safekeeping any assets or trust funds or direct the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets

or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of investors, customers or others in his possession or control in trust for any interim receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act*, or the *Winding-up Act* (Canada), or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

R.S.C. 1970,  
cc. B-4, W-11

R.S.O. 1970,  
cc. 228, 89, 53

Bond in  
lieu

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

(a) a personal bond accompanied by collateral security;

R.S.O. 1970,  
c. 196

(b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or

(c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, terms and amount as the Director may determine.

Application  
for direction

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just.

Notice to  
registrar of  
deeds, etc.

(4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice.

Cancellation  
of direction  
or registra-  
tion

(5) Any person referred to in clause *a* or *b* of subsection 1 in respect of whom a direction has been given by the Director under subsection 1 or any person having an interest in land in respect of which a notice has been registered under subsection 4 may, at any time, apply to the Tribunal for cancellation in whole or in part of the direction or

registration and the Tribunal shall dispose of the application after a hearing and may, if it finds that such a direction or registration is not required in whole or in part for the protection of investors or customers of the applicant or of other persons interested in the land or that the interests of other persons are unduly prejudiced thereby, cancel the direction or registration in whole or in part, and the applicant, the Director and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal.

**22.**—(1) Any notice or order required to be given or <sup>Service</sup> served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service set out in the prospectus or supplementary prospectus.

(2) Where service is made by registered mail, the service <sup>When service</sup> shall be deemed to be made on the third day after the day <sup>deemed to</sup> of mailing unless the person on whom service is being made <sup>be made</sup> establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

(3) Notwithstanding subsections 1 and 2, the Tribunal <sup>Idem</sup> may order any other method of service in respect of any matter before the Tribunal.

**23.**—(1) Where it appears to the Director that any person <sup>Restraining</sup> does not comply with any provision of this Act, the regula- <sup>orders</sup> tions or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

(2) An appeal lies to the Court of Appeal from an order <sup>Appeal</sup> made under subsection 1.

**24.**—(1) Every person who,

**Offences**

- (a) makes a statement in any application, report, prospectus, return, financial statement or other document, required to be filed or furnished under this Act or the regulations that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits to state any material fact, the omission of which makes the statement false or misleading;



(b) fails to comply with any order, direction or other requirement under this Act; or

(c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such act, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both.

**Corporations** (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$100,000 and not as provided therein.

**Consent of Minister** (3) No proceedings under this section shall be instituted except with the consent of the Minister.

**Limitation** (4) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

**Idem** (5) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

**Certificate as evidence** **25.—(1)** A statement as to,

- (a) the issuance or non-issuance of a certificate of acceptance;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first come to the knowledge of the Director; or
- (d) any other matter pertaining to such certificate, filing or non-filing,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

**Proof of Minister's signature** (2) Any document under this Act purporting to be signed by the Minister, or any certified copy thereof, is receivable in evidence in any action, prosecution or other proceeding as

*prima facie* proof that the document is signed by the Minister without proof of the office or signature of the Minister.

**26.** The Lieutenant Governor in Council may make <sup>Regulations</sup> regulations,

- (a) exempting any class of person from this Act or the regulations or any provision thereof;
- (b) governing the filing of a prospectus or supplementary prospectus and prescribing terms and conditions in relation thereto;
- (c) requiring the payment of fees and prescribing the amounts thereof;
- (d) prescribing the form and content of agreements by which persons become investors in pyramid schemes or any terms thereof;
- (e) governing the property or funds held in escrow under section 12;
- (f) governing the form and content of prospectuses for pyramid schemes;
- (g) requiring promoters or investors to be bonded in such form and terms and with such collateral security as are prescribed and providing for the forfeiture of bonds and the disposition of the proceeds;
- (h) requiring and governing the books, accounts and records that shall be kept by promoters;
- (i) requiring promoters or investors to make returns and furnish information to the Registrar;
- (j) prescribing forms for the purposes of this Act and providing for their use; and
- (k) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

**27.** This Act comes into force on a day to be named by <sup>Commence-</sup> the Lieutenant Governor by his proclamation. <sup>ment</sup>

**28.** This Act may be cited as *The Pyramidic Sales Act, 1972*. <sup>Short title</sup>







An Act to control Pyramid Methods for  
the distribution and sale of Commodities

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*1st Reading*

May 4th, 1972

*2nd Reading*

*3rd Reading*

---

THE HON. E. WINKLER  
Minister of Consumer and  
Commercial Relations

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*(Government Bill)*

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Government  
Publications

**BILL 109**

**Government Bill**

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to control Pyramid Methods for the  
distribution and sale of Commodities**

THE HON. E. WINKLER  
Minister of Consumer and Commercial Relations



*(Reprinted as amended by the Committee of the Whole House)*

TORONTO

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#### EXPLANATORY NOTE

The Bill provides for the control of the selling method known as pyramid sales. The principal controls include,

1. Filing of and adherence to prospectuses for pyramid sales schemes and standards for prospectuses.
2. Written contracts for investors containing certain minimum statutory provisions.
3. Provision for rescission of agreements by investors and refund of money paid on return of goods up to 70% of the total investment.

## An Act to control Pyramid Methods for the distribution and sale of Commodities

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "business premises" does not include a dwelling;
- (b) "commodity" means any goods, services or rights, or other property whether tangible or intangible, capable of being the subject of sale or lease;
- (c) "Director" means the Executive Director of the Commercial Registration Division of the Ministry;
- (d) "dwelling" means any premises or any part thereof occupied as living accommodation;
- (e) "investor" means a person who gives consideration for the right to participate in a pyramid scheme;
- (f) "Minister" means the Minister of Consumer and Commercial Relations;
- (g) "Ministry" means the Ministry of Consumer and Commercial Relations;
- (h) "prescribed" means prescribed by this Act or the regulations;
- (i) "promoter" means a person who, not being an investor, receives or is entitled to receive any part of the benefits referred to in clause *j*;
- (j) "pyramid scheme" means a scheme for the distribution of a commodity whereby a person may, for valuable consideration, in any manner acquire a

commodity or a right or licence to acquire such commodity for sale, lease or otherwise,

(i) where such person receives a gratuity or consideration, directly or indirectly, as a result of the recruitment, acquisitions, actions or performances of one or more additional participants, or

(ii) where such person is, or may be paid, directly or indirectly, commissions, cross-commissions, bonuses, refunds, discounts, dividends, gratuities or other considerations as a result of a sale, lease or other distribution of such commodity by any additional participant,

and under circumstances where any part of the benefits referred to in subclause i or ii accrue to any other person participating in the scheme;'

(k) "Registrar" means the Registrar of Pyramid Schemes;

(l) "regulations" means the regulations made under this Act;

(m) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Ministry of Consumer and Commercial Relations Act*.

R.S.O. 1970,  
c. 113

Registrar

**2.**—(1) There shall be a Registrar of Pyramid Schemes who shall be appointed by the Lieutenant Governor in Council.

Duties of  
Registrar

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director.

Prospectus  
required

**3.** No person shall organize, operate or engage in a pyramid scheme or hold out he is organizing, operating or participating in a pyramid scheme unless a prospectus for the scheme is filed with the Registrar and a certificate of acceptance is issued therefor by the Registrar.

Representa-  
tion of  
govern-  
mental  
approval

**4.** No person shall make any representation, written or oral, that the Director or the Registrar has passed upon the financial standing, fitness or conduct of any person in connection with any such prospectus or upon the merits of any such prospectus.

Contents of  
prospectus

**5.** Each prospectus submitted to the Registrar shall contain,

- (a) the name and address of each person, partnership, syndicate or corporation who is a promoter and, in the case of a partnership or syndicate, the name and address of each partner and, in the case of a corporation, the name and relationship of each affiliate or subsidiary corporation determined in the manner provided by *The Securities Act*;

R.S.O. 1970,  
c. 426

- (b) an address in Ontario for service of each promoter;
- (c) the particulars as to the nature of the commodity, its source of supply, the warranties to be granted to consumers, and the facilities for implementing the warranties;
- (d) the numbers and levels of investors including the number of investors in each level, the investments required to attain such levels, the control of locations and areas assigned to investors, the inventory that is to be supplied to investors for any particular investment, the terms upon which further inventory is to be made available and, where the promoter is dealing in a variety of commodities, information on the distribution of the various commodities to investors;
- (e) the provisions available and to be instituted for the training of investors and salesmen;
- (f) the manner in which the funds invested are to be disposed, including all payments of whatever kind made to participants in the scheme;
- (g) all additional charges or fees to be imposed upon an investor after investment, including further purchase obligations;
- (h) the contracts, manuals and promotional or other materials to be used; and
- (i) such other information as the Registrar may require for the proper evaluation of the scheme or as is required by the regulations.

**6.**—(1) The Registrar shall issue a certificate of acceptance Certificate of acceptance except where,

- (a) having regard to the promoter's financial position, he cannot reasonably be expected to be financially responsible in the conduct of his business;



- (b) the past conduct of the promoter or, where it is a corporation, of its officers or directors affords reasonable grounds for belief that his business will not be carried on in accordance with law and with integrity and honesty;
- (c) the promoter is or will be carrying on activities that are in contravention of this Act or the regulations;
- (d) the prospectus contains any misleading facts or omissions;
- (e) there is no immediate availability of the commodity for marketing;
- (f) there is inadequate provision for the marketing of the commodity, protection of investors and purchasers and training of investors and salesmen;
- (g) the promoter is dealing in a variety of commodities not all of which are available to the investor upon reasonable terms;
- (h) there is not available to investors a ready access to further products when needed;
- (i) the scheme does not provide for the delivery of the commodity to the investor to a retail value of at least the amount of the investment;
- (j) more than 10 per cent of the investment is devoted to finders' fees or other benefits to other participants in the scheme;
- (k) in the opinion of the Registrar, the scheme is unfair or not feasible; or
- (l) the agreement between the investor and the promoter is not a true reflection of the scheme itself.

Terms and  
conditions

(2) A certificate may be issued subject to such terms and conditions as the Registrar may specify in the certificate.

Amendments  
to prospectus

**7.** A promoter shall not depart from the pyramid scheme set out in the prospectus and may amend the prospectus by filing with the Registrar a supplementary prospectus setting out the change and receiving a supplementary certificate of acceptance issued by the Registrar.

8. Subject to section 9, the Registrar may suspend or withdraw the certificate for any reason that would disentitle the promoter to a certificate under section 6 if he were an applicant.

Suspension  
or with-  
drawal

9.—(1) Where the Registrar proposes to refuse to grant a certificate of acceptance or proposes to suspend or withdraw a certificate, he shall serve notice of his proposal, together with written reasons therefor, on the promoter.

Refusal  
to issue  
certificate

(2) A notice under subsection 1 shall inform the promoter that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing.

Notice  
requiring  
hearing

(3) Where a promoter does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of  
Registrar  
where no  
hearing

(4) Where a promoter requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time and place for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Powers of  
Tribunal  
where  
hearing

(5) The Tribunal may attach such terms and conditions to its order or to the certificate of acceptance as it considers proper to give effect to the purposes of this Act and the regulations.

Conditions  
of order

(6) The Registrar, the promoter and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Parties

(7) Notwithstanding subsection 1, the Registrar may cancel a certificate of acceptance upon the request in writing of the promoter in the prescribed form surrendering his certificate.

Voluntary  
cancellation

(8) Notwithstanding that a promoter appeals from an order of the Tribunal under section 9b of *The Ministry of Consumer and Commercial Relations Act*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal.

Order  
effective,  
stay  
R.S.O. 1970,  
c. 113

Application  
of ss. 11, 12

**10.** Sections 11 and 12 apply notwithstanding any agreement or waiver to the contrary.

Investor's  
agreement

**11.—**(1) Every agreement by which a person becomes an investor in a pyramid scheme,

- (a) shall be in writing;
- (b) shall contain in conspicuous print on its face the text of section 12;
- (c) shall include the sale or lease of a commodity appropriate for resale or subletting;
- (d) shall state the retail price of the commodity upon which the scheme is based;
- (e) shall contain an address in Ontario for service of the person with whom the investor enters into the agreement; and
- (f) shall be in such form and provide for such other matters as are prescribed by the regulations.

Agreement  
voidable  
where non-  
compliance

(2) Any agreement that does not comply with subsection 1 is voidable at any time at the option of the investor.

Copy of  
prospectus

(3) No promoter or investor shall enter into an agreement with a person by which such person would become an investor unless the promoter or investor has delivered a copy of the prospectus accepted under section 3 to the prospective investor at least two days before the agreement is entered into.

When  
agreement  
voidable

(4) An agreement entered into before the time required by subsection 3 is voidable at the option of the prospective investor at any time before the time when the agreement could be entered into in accordance with subsection 3.

Refund

(5) Where an agreement is voided under this section, the promoter shall pay to the investor his total investment.

Rescission  
of investor's  
agreement

**12.—**(1) Any person who enters into an agreement to become an investor may rescind the agreement by delivering a notice of rescission in writing to the person with whom he entered into the agreement and, where such person is not the promoter, to the promoter, within six months of the date of the agreement.

Notice of  
Rescission

(2) A notice of rescission may be delivered personally or sent by registered mail addressed to the person to

whom delivery is to be made at the address shown in the agreement or in the prospectus and, notwithstanding section 22, delivery by registered mail shall be deemed to have been made at the time of mailing.

(3) Where a person who has entered into an agreement to become an investor rescinds the agreement under subsection 1, he may return all or any portion of the commodity received under the scheme and in merchantable condition to the promoter who shall pay the investor 75 per cent of his total investment less the proportion of that amount that any unreturned quantity of the commodity bears to the total quantity received by the investor. Return of commodity and refund

(4) A promoter shall enter into such escrow agreement as the Registrar considers necessary or advisable to ensure that an amount equal to 75 per cent of the retail value of a commodity delivered to an investor under an agreement referred to in section 11 is available for repayment until the period during which a rescission may be made under subsection 1 expires. Escrow pending rescission

**13.—**(1) Every promoter shall maintain at such places in Ontario that have been approved in writing by the Registrar registers setting out the names and addresses of all investors in the pyramid scheme, and describing the territories that have been allotted to each. Public inspection of information

(2) A register shall be kept available for inspection by any person during reasonable business hours. Idem

(3) No person shall refuse to permit a person to inspect a register under subsection 2, or to make extracts therefrom. Idem

**14.** Every promoter shall file with the Registrar annually on the anniversary date of his certificate of acceptance, Annual return

(a) an audited financial statement ;

(b) an affidavit stating that no changes exist in the pyramid scheme; and

(c) a copy of the register of investors.

**15.** Where the Registrar believes on reasonable and probable grounds that a promoter is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and section 9 applies *mutatis mutandis* to the order in the same manner as False advertising

to a proposal by the Registrar to refuse a certificate of acceptance and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

Inspection

**16.**—(1) The Registrar or any person designated by him in writing may at any reasonable time enter upon the business premises of the promoter to make an inspection to ensure that the provisions of this Act and the regulations are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a promoter without a prospectus and certificate of acceptance, the Registrar or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3.

Powers on inspection

(3) Upon an inspection under this section, the person inspecting,

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

(b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility of copies

(4) Any copy made as provided in subsection 3 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Investigations by order of Minister

**17.** The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person



appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.<sup>1971, c. 49</sup>

**18.**—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has, <sup>Investigation by Director</sup>

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness to receive a certificate of acceptance under this Act, <sup>R.S.C. 1970, c. C-34</sup>

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may, <sup>Powers of investigator</sup>

- (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation;
- (b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.<sup>1971, c. 49</sup>

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. <sup>Obstruction of investigator</sup>

Search  
warrant

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of  
books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Admissi-  
bility of  
copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment  
of experts

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Matters  
confidential

**19.**—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 16, 17 or 18, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,



- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations. <sup>Testimony in civil suit</sup>

**20.** Where, upon the report of an investigation made under subsection 1 of section 18, it appears to the Director that a person may have, <sup>Report</sup>

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness to receive a certificate of acceptance under this Act. <sup>R.S.C. 1970, c. C-34</sup>

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister.

**21.—(1)** Where,

- (a) an investigation of any person has been ordered under section 18; or
- (b) criminal proceedings or proceedings in relation to a contravention of any Act or regulation are about to be or have been instituted against a person that are connected with or arise out of the business in respect of which a prospectus is required under this Act,

<sup>Order to refrain from dealing with assets</sup>

the Director, if he believes it advisable for the protection of investors or customers of the person referred to in clause *a* or *b* may, in writing or by telegram, direct any person having on deposit or under control or for safekeeping any assets or trust funds or direct the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets

or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of investors, customers or others in his possession or control in trust for any interim receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act*, or the *Winding-up Act* (Canada), or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

R.S.C. 1970,  
cc. B-4, W-11

R.S.O. 1970,  
cc. 228, 89, 53

Bond in  
lieu

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

(a) a personal bond accompanied by collateral security;

R.S.O. 1970,  
c. 196

(b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or

(c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, terms and amount as the Director may determine.

Application  
for direction

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just.

Notice to  
registrar of  
deeds, etc.

(4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice.

Cancellation  
of direction  
or registra-  
tion

(5) Any person referred to in clause *a* or *b* of subsection 1 in respect of whom a direction has been given by the Director under subsection 1 or any person having an interest in land in respect of which a notice has been registered under subsection 4 may, at any time, apply to the Tribunal for cancellation in whole or in part of the direction or

registration and the Tribunal shall dispose of the application after a hearing and may, if it finds that such a direction or registration is not required in whole or in part for the protection of investors or customers of the applicant or of other persons interested in the land or that the interests of other persons are unduly prejudiced thereby, cancel the direction or registration in whole or in part, and the applicant, the Director and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal.

**22.**—(1) Any notice or order required to be given or <sup>Service</sup> served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service set out in the prospectus or supplementary prospectus.

(2) Where service is made by registered mail, the service <sup>When service</sup> shall be deemed to be made on the third day after the day <sup>deemed to</sup> of mailing unless the person on whom service is being made <sup>be made</sup> establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

(3) Notwithstanding subsections 1 and 2, the Tribunal <sup>Idem</sup> may order any other method of service in respect of any matter before the Tribunal.

**23.**—(1) Where it appears to the Director that any person <sup>Restraining</sup> does not comply with any provision of this Act, the regula- <sup>orders</sup> tions or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

(2) An appeal lies to the Court of Appeal from an order <sup>Appeal</sup> made under subsection 1.

**24.**—(1) Every person who, Offences

- (a) makes a statement in any application, report, prospectus, return, financial statement or other document, required to be filed or furnished under this Act or the regulations that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits to state any material fact, the omission of which makes the statement false or misleading;

(b) fails to comply with any order, direction or other requirement under this Act; or

(c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such act, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both.

**Corporations** (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$100,000 and not as provided therein.

**Limitation** (3) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

**Idem** (4) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

**Certificate  
as evidence**

**25.—**(1) A statement as to,

- (a) the issuance or non-issuance of a certificate of acceptance;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first come to the knowledge of the Director; or
- (d) any other matter pertaining to such certificate, filing or non-filing,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

**Proof of  
Minister's  
signature**

(2) Any document under this Act purporting to be signed by the Minister, or any certified copy thereof, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof that the document is signed by the Minister without proof of the office or signature of the Minister.



**26.** The Lieutenant Governor in Council may make Regulations regulations,


- (a) exempting any class of person from this Act or the regulations or any provision thereof;
- (b) governing the filing of a prospectus or supplementary prospectus and prescribing terms and conditions in relation thereto;
- (c) requiring the payment of fees and prescribing the amounts thereof;
- (d) prescribing the form and content of agreements by which persons become investors in pyramid schemes or any terms thereof;
- (e) governing the property or funds held in escrow under section 12;
- (f) governing the form and content of prospectuses for pyramid schemes;
- (g) requiring promoters or investors to be bonded in such form and terms and with such collateral security as are prescribed and providing for the forfeiture of bonds and the disposition of the proceeds;
- (h) requiring and governing the books, accounts and records that shall be kept by promoters;
- (i) requiring promoters or investors to make returns and furnish information to the Registrar;
- (j) prescribing forms for the purposes of this Act and providing for their use; and
- (k) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.



**27.**—(1) Nothing in this Act shall be construed to make unlawful the sale to consumers of commodities received by the seller under a pyramid scheme the operation of which becomes unlawful under or by virtue of this Act, where the commodities were received by the seller before the pyramid scheme became unlawful, but the Registrar may, upon notice to the seller, prohibit such sale where the commodity is defective in quality or the warranty is defective or incapable of performance.

Sale to  
consumer  
under  
unlawful  
scheme

Extension  
of time  
for filing  
prospectus

(2) Upon application therefor, the Registrar may, in writing, extend the time for the filing of a prospectus and the issuance of a certificate of acceptance for the purpose of section 3 for a period or periods not exceeding a total of ninety days after this Act comes into force where in his opinion there is a reasonable likelihood that the prospectus, when filed, will comply with the requirements of this Act. 

Commence-  
ment

**28.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**29.** This Act may be cited as *The Pyramidic Sales Act, 1972*.





An Act to control Pyramid Methods for  
the distribution and sale of Commodities

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*1st Reading*

May 4th, 1972

*2nd Reading*

May 9th, 1972

*3rd Reading*

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THE HON. E. WINKLER  
Minister of Consumer and  
Commercial Relations

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*(Reprinted as amended by the  
Committee of the Whole House)*

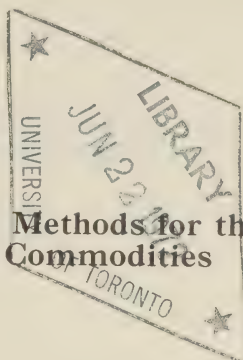
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## BILL 109

Government  
Publication

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

An Act to control Pyramid Methods for the  
distribution and sale of Commodities



THE HON. E. WINKLER  
Minister of Consumer and Commercial Relations

TORONTO

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BILL 109

1972

## An Act to control Pyramid Methods for the distribution and sale of Commodities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Inter-  
pre-  
tation

- (a) "business premises" does not include a dwelling;
- (b) "commodity" means any goods, services or rights, or other property whether tangible or intangible, capable of being the subject of sale or lease;
- (c) "Director" means the Executive Director of the Commercial Registration Division of the Ministry;
- (d) "dwelling" means any premises or any part thereof occupied as living accommodation;
- (e) "investor" means a person who gives consideration for the right to participate in a pyramid scheme;
- (f) "Minister" means the Minister of Consumer and Commercial Relations;
- (g) "Ministry" means the Ministry of Consumer and Commercial Relations;
- (h) "prescribed" means prescribed by this Act or the regulations;
- (i) "promoter" means a person who, not being an investor, receives or is entitled to receive any part of the benefits referred to in clause *j*;
- (j) "pyramid scheme" means a scheme for the distribution of a commodity whereby a person may, for valuable consideration, in any manner acquire a

commodity or a right or licence to acquire such commodity for sale, lease or otherwise,

(i) where such person receives a gratuity or consideration, directly or indirectly, as a result of the recruitment, acquisitions, actions or performances of one or more additional participants, or

(ii) where such person is, or may be paid, directly or indirectly, commissions, cross-commissions, bonuses, refunds, discounts, dividends, gratuities or other considerations as a result of a sale, lease or other distribution of such commodity by any additional participant,

and under circumstances where any part of the benefits referred to in subclause i or ii accrue to any other person participating in the scheme;`

(k) "Registrar" means the Registrar of Pyramid Schemes;

(l) "regulations" means the regulations made under this Act;

(m) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Ministry of Consumer and Commercial Relations Act*.

R.S.O. 1970,  
c. 113

Registrar

**2.**—(1) There shall be a Registrar of Pyramid Schemes who shall be appointed by the Lieutenant Governor in Council.

Duties of  
Registrar

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director.

Prospectus  
required

**3.** No person shall organize, operate or engage in a pyramid scheme or hold out he is organizing, operating or participating in a pyramid scheme unless a prospectus for the scheme is filed with the Registrar and a certificate of acceptance is issued therefor by the Registrar.

Representa-  
tion of  
govern-  
mental  
approval

**4.** No person shall make any representation, written or oral, that the Director or the Registrar has passed upon the financial standing, fitness or conduct of any person in connection with any such prospectus or upon the merits of any such prospectus.

Contents of  
prospectus

**5.** Each prospectus submitted to the Registrar shall contain,

- (a) the name and address of each person, partnership, syndicate or corporation who is a promoter and, in the case of a partnership or syndicate, the name and address of each partner and, in the case of a corporation, the name and relationship of each affiliate or subsidiary corporation determined in the manner provided by *The Securities Act*;

R.S.O. 1970,  
c. 426

- (b) an address in Ontario for service of each promoter;
- (c) the particulars as to the nature of the commodity, its source of supply, the warranties to be granted to consumers, and the facilities for implementing the warranties;
- (d) the numbers and levels of investors including the number of investors in each level, the investments required to attain such levels, the control of locations and areas assigned to investors, the inventory that is to be supplied to investors for any particular investment, the terms upon which further inventory is to be made available and, where the promoter is dealing in a variety of commodities, information on the distribution of the various commodities to investors;
- (e) the provisions available and to be instituted for the training of investors and salesmen;
- (f) the manner in which the funds invested are to be disposed, including all payments of whatever kind made to participants in the scheme;
- (g) all additional charges or fees to be imposed upon an investor after investment, including further purchase obligations;
- (h) the contracts, manuals and promotional or other materials to be used; and
- (i) such other information as the Registrar may require for the proper evaluation of the scheme or as is required by the regulations.

**6.—(1)** The Registrar shall issue a certificate of acceptance Certificate of  
acceptance  
except where,

- (a) having regard to the promoter's financial position, he cannot reasonably be expected to be financially responsible in the conduct of his business;

- (b) the past conduct of the promoter or, where it is a corporation, of its officers or directors affords reasonable grounds for belief that his business will not be carried on in accordance with law and with integrity and honesty;
- (c) the promoter is or will be carrying on activities that are in contravention of this Act or the regulations;
- (d) the prospectus contains any misleading facts or omissions;
- (e) there is no immediate availability of the commodity for marketing;
- (f) there is inadequate provision for the marketing of the commodity, protection of investors and purchasers and training of investors and salesmen;
- (g) the promoter is dealing in a variety of commodities not all of which are available to the investor upon reasonable terms;
- (h) there is not available to investors a ready access to further products when needed;
- (i) the scheme does not provide for the delivery of the commodity to the investor to a retail value of at least the amount of the investment;
- (j) more than 10 per cent of the investment is devoted to finders' fees or other benefits to other participants in the scheme;
- (k) in the opinion of the Registrar, the scheme is unfair or not feasible; or
- (l) the agreement between the investor and the promoter is not a true reflection of the scheme itself.

Terms and  
conditions

- (2) A certificate may be issued subject to such terms and conditions as the Registrar may specify in the certificate.

Amendments  
to prospectus

7. A promoter shall not depart from the pyramid scheme set out in the prospectus and may amend the prospectus by filing with the Registrar a supplementary prospectus setting out the change and receiving a supplementary certificate of acceptance issued by the Registrar.



8. Subject to section 9, the Registrar may suspend or <sup>Suspension or withdrawal</sup> withdraw the certificate for any reason that would disentitle the promoter to a certificate under section 6 if he were an applicant.

9.—(1) Where the Registrar proposes to refuse to grant <sup>Refusal to issue certificate</sup> a certificate of acceptance or proposes to suspend or withdraw a certificate, he shall serve notice of his proposal, together with written reasons therefor, on the promoter.

(2) A notice under subsection 1 shall inform the promoter <sup>Notice requiring hearing</sup> that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing.

(3) Where a promoter does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may <sup>Powers of Registrar where no hearing</sup> carry out the proposal stated in his notice under subsection 1.

(4) Where a promoter requires a hearing by the Tribunal <sup>Powers of Tribunal where hearing</sup> in accordance with subsection 2, the Tribunal shall appoint a time and place for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

(5) The Tribunal may attach such terms and conditions to <sup>Conditions of order</sup> its order or to the certificate of acceptance as it considers proper to give effect to the purposes of this Act and the regulations.

(6) The Registrar, the promoter and such other persons <sup>Parties</sup> as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

(7) Notwithstanding subsection 1, the Registrar may cancel <sup>Voluntary cancellation</sup> a certificate of acceptance upon the request in writing of the promoter in the prescribed form surrendering his certificate.

(8) Notwithstanding that a promoter appeals from an order <sup>Order effective, stay</sup> of the Tribunal under section 9b of *The Ministry of Consumer and Commercial Relations Act*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal. R.S.O. 1970, c. 113

Application  
of ss. 11, 12

**10.** Sections 11 and 12 apply notwithstanding any agreement or waiver to the contrary.

Investor's  
agreement

**11.—(1)** Every agreement by which a person becomes an investor in a pyramid scheme,

- (a) shall be in writing;
- (b) shall contain in conspicuous print on its face the text of section 12;
- (c) shall include the sale or lease of a commodity appropriate for resale or subletting;
- (d) shall state the retail price of the commodity upon which the scheme is based;
- (e) shall contain an address in Ontario for service of the person with whom the investor enters into the agreement; and
- (f) shall be in such form and provide for such other matters as are prescribed by the regulations.

Agreement  
voidable  
where non-  
compliance

(2) Any agreement that does not comply with subsection 1 is voidable at any time at the option of the investor.

Copy of  
prospectus

(3) No promoter or investor shall enter into an agreement with a person by which such person would become an investor unless the promoter or investor has delivered a copy of the prospectus accepted under section 3 to the prospective investor at least two days before the agreement is entered into.

When  
agreement  
voidable

(4) An agreement entered into before the time required by subsection 3 is voidable at the option of the prospective investor at any time before the time when the agreement could be entered into in accordance with subsection 3.

Refund

(5) Where an agreement is voided under this section, the promoter shall pay to the investor his total investment.

Rescission  
of investor's  
agreement

**12.—(1)** Any person who enters into an agreement to become an investor may rescind the agreement by delivering a notice of rescission in writing to the person with whom he entered into the agreement and, where such person is not the promoter, to the promoter, within six months of the date of the agreement.

Notice of  
Rescission

(2) A notice of rescission may be delivered personally or sent by registered mail addressed to the person to

whom delivery is to be made at the address shown in the agreement or in the prospectus and, notwithstanding section 22, delivery by registered mail shall be deemed to have been made at the time of mailing.

(3) Where a person who has entered into an agreement to become an investor rescinds the agreement under subsection 1, he may return all or any portion of the commodity received under the scheme and in merchantable condition to the promoter who shall pay the investor 75 per cent of his total investment less the proportion of that amount that any unreturned quantity of the commodity bears to the total quantity received by the investor. <sup>Return of commodity and refund</sup>

(4) A promoter shall enter into such escrow agreement as the Registrar considers necessary or advisable to ensure that an amount equal to 75 per cent of the retail value of a commodity delivered to an investor under an agreement referred to in section 11 is available for repayment until the period during which a rescission may be made under subsection 1 expires. <sup>Escrow pending rescission</sup>

**13.—**(1) Every promoter shall maintain at such places in Ontario that have been approved in writing by the Registrar registers setting out the names and addresses of all investors in the pyramid scheme, and describing the territories that have been allotted to each. <sup>Public inspection of information</sup>

(2) A register shall be kept available for inspection by any person during reasonable business hours. <sup>Idem</sup>

(3) No person shall refuse to permit a person to inspect a register under subsection 2, or to make extracts therefrom. <sup>Idem</sup>

**14.** Every promoter shall file with the Registrar annually on the anniversary date of his certificate of acceptance, <sup>Annual return</sup>

(a) an audited financial statement ;

(b) an affidavit stating that no changes exist in the pyramid scheme ; and

(c) a copy of the register of investors.

**15.** Where the Registrar believes on reasonable and probable grounds that a promoter is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and section 9 applies *mutatis mutandis* to the order in the same manner as <sup>False advertising</sup>

to a proposal by the Registrar to refuse a certificate of acceptance and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

Inspection

**16.**—(1) The Registrar or any person designated by him in writing may at any reasonable time enter upon the business premises of the promoter to make an inspection to ensure that the provisions of this Act and the regulations are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a promoter without a prospectus and certificate of acceptance, the Registrar or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3.

Powers on inspection

(3) Upon an inspection under this section, the person inspecting,

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility of copies

(4) Any copy made as provided in subsection 3 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Investigations by order of Minister

**17.** The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person



appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act. <sup>1971, c. 49</sup>

**18.—**(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has, <sup>Investigation by Director</sup>

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness to receive a certificate of acceptance under this Act, <sup>R.S.C. 1970, c. C-34</sup>

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may, <sup>Powers of investigator</sup>

- (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation;
- (b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. <sup>1971, c. 49</sup>

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. <sup>Obstruction of investigator</sup>

Search  
warrant

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of  
books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Admissi-  
bility of  
copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment  
of experts

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Matters  
confidential

**19.—**(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 16, 17 or 18, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be <sup>Testimony in civil suit</sup> required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

**20.** Where, upon the report of an investigation made <sup>Report</sup> under subsection 1 of section 18, it appears to the Director that a person may have,

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence, under the *Criminal Code* <sup>R.S.C. 1970, c. C-34</sup> (Canada) or under the law of any jurisdiction, that is relevant to his fitness to receive a certificate of acceptance under this Act.

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister.

**21.—(1)** Where,

- (a) an investigation of any person has been ordered under section 18; or
- (b) criminal proceedings or proceedings in relation to a contravention of any Act or regulation are about to be or have been instituted against a person that are connected with or arise out of the business in respect of which a prospectus is required under this Act,

<sup>Order to refrain from dealing with assets</sup>

the Director, if he believes it advisable for the protection of investors or customers of the person referred to in clause *a* or *b* may, in writing or by telegram, direct any person having on deposit or under control or for safekeeping any assets or trust funds or direct the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets



or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of investors, customers or others in his possession or control in trust for any interim receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act*, or the *Winding-up Act* (Canada), or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

R.S.C. 1970,  
cc. B-4, W-11

R.S.O. 1970,  
cc. 228, 89, 53

Bond in  
lieu

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

(a) a personal bond accompanied by collateral security;

R.S.O. 1970,  
c. 196

(b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or

(c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, terms and amount as the Director may determine.

Application  
for direction

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just.

Notice to  
registrar of  
deeds, etc.

(4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice.

Cancellation  
of direction  
or registra-  
tion

(5) Any person referred to in clause *a* or *b* of subsection 1 in respect of whom a direction has been given by the Director under subsection 1 or any person having an interest in land in respect of which a notice has been registered under subsection 4 may, at any time, apply to the Tribunal for cancellation in whole or in part of the direction or

registration and the Tribunal shall dispose of the application after a hearing and may, if it finds that such a direction or registration is not required in whole or in part for the protection of investors or customers of the applicant or of other persons interested in the land or that the interests of other persons are unduly prejudiced thereby, cancel the direction or registration in whole or in part, and the applicant, the Director and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal.

**22.**—(1) Any notice or order required to be given or <sup>Service</sup> served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service set out in the prospectus or supplementary prospectus.

(2) Where service is made by registered mail, the service <sup>When service</sup> shall be deemed to be made on the third day after the day <sup>deemed to</sup> of mailing unless the person on whom service is being made <sup>be made</sup> establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

(3) Notwithstanding subsections 1 and 2, the Tribunal <sup>Idem</sup> may order any other method of service in respect of any matter before the Tribunal.

**23.**—(1) Where it appears to the Director that any person <sup>Restraining</sup> does not comply with any provision of this Act, the regula- <sup>orders</sup> tions or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

(2) An appeal lies to the Court of Appeal from an order <sup>Appeal</sup> made under subsection 1.

**24.**—(1) Every person who, <sup>Offences</sup>

- (a) makes a statement in any application, report, prospectus, return, financial statement or other document, required to be filed or furnished under this Act or the regulations that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits to state any material fact, the omission of which makes the statement false or misleading;

- (b) fails to comply with any order, direction or other requirement under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such act, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both.

**Corporations** (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$100,000 and not as provided therein.

**Limitation** (3) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

**Idem** (4) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

**Certificate as evidence** **25.—(1)** A statement as to,

- (a) the issuance or non-issuance of a certificate of acceptance;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first come to the knowledge of the Director; or
- (d) any other matter pertaining to such certificate, filing or non-filing,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

**Proof of Minister's signature** (2) Any document under this Act purporting to be signed by the Minister, or any certified copy thereof, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof that the document is signed by the Minister without proof of the office or signature of the Minister.

**26.** The Lieutenant Governor in Council may make Regulations regulations,

- (a) exempting any class of person from this Act or the regulations or any provision thereof;
- (b) governing the filing of a prospectus or supplementary prospectus and prescribing terms and conditions in relation thereto;
- (c) requiring the payment of fees and prescribing the amounts thereof;
- (d) prescribing the form and content of agreements by which persons become investors in pyramid schemes or any terms thereof;
- (e) governing the property or funds held in escrow under section 12;
- (f) governing the form and content of prospectuses for pyramid schemes;
- (g) requiring promoters or investors to be bonded in such form and terms and with such collateral security as are prescribed and providing for the forfeiture of bonds and the disposition of the proceeds;
- (h) requiring and governing the books, accounts and records that shall be kept by promoters;
- (i) requiring promoters or investors to make returns and furnish information to the Registrar;
- (j) prescribing forms for the purposes of this Act and providing for their use; and
- (k) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

**27.**—(1) Nothing in this Act shall be construed to make unlawful the sale to consumers of commodities received by the seller under a pyramid scheme the operation of which becomes unlawful under or by virtue of this Act, where the commodities were received by the seller before the pyramid scheme became unlawful, but the Registrar may, upon notice to the seller, prohibit such sale where the commodity is defective in quality or the warranty is defective or incapable of performance.

Extension  
of time  
for filing  
prospectus

(2) Upon application therefor, the Registrar may, in writing, extend the time for the filing of a prospectus and the issuance of a certificate of acceptance for the purpose of section 3 for a period or periods not exceeding a total of ninety days after this Act comes into force where in his opinion there is a reasonable likelihood that the prospectus, when filed, will comply with the requirements of this Act.

Commence-  
ment

**28.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**29.** This Act may be cited as *The Pyramidic Sales Act, 1972*.





An Act to control Pyramid Methods for  
the distribution and sale of Commodities

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*1st Reading*

May 4th, 1972

*2nd Reading*

May 9th, 1972

*3rd Reading*

May 25th, 1972

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THE HON. E. WINKLER  
Minister of Consumer and  
Commercial Relations

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**BILL 110**

**Private Member's Bill**

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

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**An Act to amend The Insurance Act**

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MR. SHULMAN

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. On and after the 1st day of January, 1974, the sale of automobile insurance in Ontario by any insurer other than the Government of the Province of Ontario or a board, commission or agency thereof is prohibited.

SECTION 2. Complementary to section 1.

SECTION 3. Self-explanatory.

BILL 110

1972

## An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Insurance Act*, being chapter 224 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

198a. On and after the day on which this section comes into force, no insurer, other than the Government of the Province of Ontario or a board, commission or agency thereof, shall undertake or agree or offer to undertake a contract of automobile insurance in Ontario or carry on the business of automobile insurance in Ontario.

2. Subject to section 3, Part VI of the said Act is repealed.

3. Part VI of the said Act as it was in force immediately before the day on which section 2 comes into force continues to apply to contracts of automobile insurance made before the day on which section 2 comes into force until the contract expires or is cancelled.

4. This Act comes into force on the 1st day of January, 1974.

5. This Act may be cited as *The Insurance Amendment Act*, 1972.

An Act to amend The Insurance Act

*1st Reading*

May 5th, 1972

*2nd Reading*

*3rd Reading*

MR. SHULMAN

*(Private Member's Bill)*

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

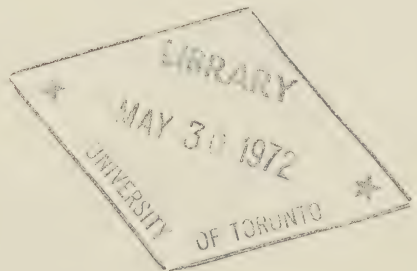
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**An Act to provide for the Establishment  
of Safety Committees**

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MR. HAGGERTY

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

BILL 111

1972

## An Act to provide for the Establishment of Safety Committees

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Minister" means the Minister of Labour. Interpretation
2. Every industry shall establish a safety committee which shall have equal representation from both the employers and employees in the industry. Safety committee established
3. Every safety committee, upon the request of the Minister, shall advise him respecting the safety of workers in the industry which it represents and, without restricting the generality of the foregoing, inquire into and advise him upon any laws respecting the safety of workers in the industry with a view to the improvement, clarification or extension of the existing laws or the enactment of new laws or inquire into and advise him upon any matter designed to co-ordinate the functions of all bodies concerned with the safety of workers. Duties of safety committee
4. Where an accident or injury occurs on a job site, the foreman or person in charge of the job site shall forthwith notify the safety committee representing the particular industry that an accident or injury has occurred. Notification where accident or injury
5. Where a safety committee receives a report concerning an accident or injury on a job site, the committee shall report in writing to the Minister that an accident or injury has occurred and outline any recommendations it may have as to the future prevention of a similar accident or injury. Idem
6. This Act comes into force on the day it receives Royal Assent. Commencement
7. This Act may be cited as *The Safety Committees Act*, 1972. Short title



# BILL III

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An Act to provide for the  
Establishment of Safety Committees

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*1st Reading*

May 5th, 1972

*2nd Reading*

*3rd Reading*

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MR. HAGGERTY

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*(Private Member's Bill)*

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CA20N

XB

-B 56

**BILL 112**

**Private Member's Bill**

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

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**An Act to amend  
The Municipality of Metropolitan Toronto Act**

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MR. LEWIS

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TORONTO

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#### EXPLANATORY NOTE

The Bill requires the Metropolitan Council of The Municipality of Metropolitan Toronto to prepare, adopt and forward an official plan to the Minister before the 30th day of November, 1975 unless the Minister is satisfied that an extension should be allowed. The Bill also provides for the withholding of any grants payable to the Metropolitan Council with the exception of welfare grants should the official plan not be filed before the required date.

BILL 112

1972

**An Act to amend  
The Municipality of Metropolitan Toronto Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 202 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, <sup>s. 202, re-enacted</sup> is repealed and the following substituted therefor:

202.—(1) Subject to subsection 3, the Metropolitan Council, before the 30th day of November, 1975, shall prepare, adopt and forward to the Minister for approval an official plan for The Metropolitan Toronto Planning Area. <sup>Official plan</sup>

(2) The scope of the official plan shall include, <sup>Scope of official plan</sup>

- (a) land use and consideration generally of industrial, agricultural, residential and commercial areas;
- (b) ways of communication;
- (c) sanitation;
- (d) green belts and park areas;
- (e) roads;
- (f) public transportation,

and such other matters as the Minister may from time to time define under *The Planning Act*.

R.S.O. 1970,  
c. 349

- (3) Where he is satisfied that reasonable efforts are being made to prepare and adopt an official plan, the Minister may extend the deadline set out in subsection 1. <sup>Extension</sup>

Withholding  
of grants

R.S.O. 1970,  
c. 192

- (4) Except for payments to the Metropolitan Corporation under *The General Welfare Assistance Act*, where an official plan is not forwarded to the Minister before the date set out in subsection 1 and the Minister is not satisfied that reasonable efforts are being made to prepare and adopt one, the Minister may withhold all grants payable to the Metropolitan Corporation.

Commence-  
ment

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1972*.













An Act to amend  
The Municipality of Metropolitan  
Toronto Act

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*1st Reading*

May 5th, 1972

*2nd Reading*

*3rd Reading*

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MR. LEWIS

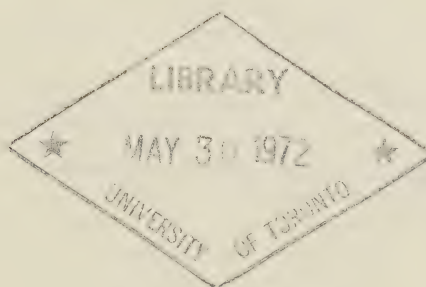
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*(Private Member's Bill)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend  
The Municipality of Metropolitan Toronto Act**

THE HON. T. L. WELLS  
Minister of Education



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The amendment excludes The Metropolitan Toronto School Board from the authority of the auditors appointed by the Metropolitan Council. This is complementary to the new section 127*a* authorizing The Metropolitan Toronto School Board to appoint its own auditors in the same manner as divisional boards of education.

SECTION 2. Subsection 2 is revised to refer to members elected by public school electors. This is to conform to section 24 of *The Secondary Schools and Boards of Education Act* respecting the election of members by separate school supporters.

SECTION 3.—Subsection 1. The subsection is amended to render it consistent with changes in *The Secondary Schools and Boards of Education Act* whereby boards of education are not established by by-law and to make it clear that the Acts and regulations named therein apply to the boards of education for the area municipalities.

Subsection 2. The amendment provides that the boards of education in Metropolitan Toronto shall have the same powers and duties as divisional boards in respect of auditors.

BILL 113

1972

## An Act to amend The Municipality of Metropolitan Toronto Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 22 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "except The Metropolitan Toronto School Board". s. 22 (1),  
amended

2. Subsection 2 of section 118 of the said Act is repealed s. 118 (2),  
re-enacted and the following substituted therefor:

(2) The number of members to be elected by public school electors to the boards of education, Members  
elected by  
public school  
electors

(a) for the City of Toronto and for the boroughs of Etobicoke and East York shall be two in each ward of the city or borough, as the case may be;

(b) for each of the other area municipalities shall be one in each ward of the area municipality.

3.—(1) Subsection 1 of section 119 of the said Act is s. 119 (1),  
re-enacted repealed and the following substituted therefor:

(1) The provisions of *The Ministry of Education Act*, *The Public Schools Act*, *The Schools Administration Act*, Parts I, II, III, V and VI of *The Secondary Schools and Boards of Education Act* and the regulations that are not inconsistent with this Act apply to the boards of education referred to in subsection 1 of section 118, and, so far as such provisions are inconsistent with this Act, they do not apply to such boards of education. Application  
of R.S.O. 1970,  
cc. 385, 424,  
425, 430

(2) The said section 119 is amended by adding thereto s. 119,  
amended the following subsection:



Auditors for  
boards of  
education for  
area municipi-  
palities  
R.S.O. 1970,  
c. 425

- (1a) Section 36 of *The Secondary Schools and Boards of Education Act* applies *mutatis mutandis* to each such board of education as if it were a divisional board of education.

s. 121 (2),  
re-enacted

4.—(1) Subsection 2 of section 121 of the said Act is repealed and the following substituted therefor:

Composition  
of School  
Board

- (2) On and after the 1st day of January, 1973, the School Board, subject to subsection 6, shall be composed of the chairman of each board of education in the Metropolitan Area and,

- (a) one member of and appointed by The Board of Education for the Borough of Etobicoke;
- (b) three members of and appointed by The Board of Education for the Borough of North York;
- (c) two members of and appointed by The Board of Education for the Borough of Scarborough;
- (d) five members of and appointed by The Board of Education for the City of Toronto; and
- (e) three members appointed by the Metropolitan Separate School Board who may be members of such board.

s. 121 (3),  
amended

- (2) Subsection 3 of the said section 121 is amended by inserting after "York" in the first line "The Board of Education for the Borough of Etobicoke".

s. 121 (6),  
re-enacted

- (3) Subsection 6 of the said section 121 is repealed and the following substituted therefor:

Disqualifica-  
tion of  
member of  
board of  
education

- (6) A member of a board of education for an area municipality who is,
- (a) elected by separate school supporters; or
  - (b) appointed, in the case of a vacancy, by the remaining members elected to the board of education by separate school supporters or by the Metropolitan Separate School Board,

is not eligible to be a member of the School Board and, where such member is the chairman of the board of education, the board of education shall appoint in his stead another member thereof as a member of the School Board.

SECTION 4.—Subsection 1. Subsection 2 is revised to correct a reference, increase the members of the School Board appointed by The Board of Education for the Borough of North York in addition to the chairman from two to three and the members appointed by The Board of Education for the Borough of Scarborough from one to two, and to make it clear that the members appointed by the Metropolitan Separate School Board may be members of such board.

Subsection 2. The amendment permits The Board of Education for the Borough of Etobicoke to appoint an alternate member of the School Board on the same basis as the boards of education for the boroughs of East York and York.

Subsection 3. Subsection 6 is revised as complementary to the amendment to section 24 of *The Secondary Schools and Boards of Education Act* requiring members representing separate school supporters on a board of education to be elected rather than appointed.

SECTION 5. The amendment requires an alternate member to file a certificate of qualification before taking his seat as it is now required in respect of a member.

SECTION 6. The subsection is amended to refer not only to members appointed by the Metropolitan Separate School Board under section 121 (2) (e) but also, in the case of a vacancy, to those appointed under section 126 (3).

SECTION 7. The amendment provides,

1. for inclusion in the estimates of the School Board of an item for expenditure where the board or boards that are to make the expenditure have not been designated by the School Board at the time of the making of the estimates;
2. for the holding of conferences with members and officers of the boards of education;
3. for the destruction of documents in accordance with *The Schools Administration Act*.

SECTION 8. The new section provides that the School Board shall have the same powers as a divisional board of education in respect of auditors.

SECTION 9. The amendment removes an obsolete reference.

- (7) No person employed by the School Board is eligible to be a member of the School Board. Disqualification of employee

5. Subsection 3 of section 122 of the said Act is amended by inserting after "121" in the second line "or an alternate member of the School Board under subsection 3 of section 121" and by adding at the end thereof "or an alternate member, as the case may be". s. 122 (3), amended

6. Subsection 3 of section 124 of the said Act is amended by striking out "under clause e of subsection 2 of section 121" in the first and second lines and inserting in lieu thereof "by the Metropolitan Separate School Board". s. 124 (3), amended

7. Section 127 of the said Act is amended by adding thereto the following subsection: s. 127, amended

(2) The School Board may,

Additional powers

- (a) include in its estimates a sum for expenditures by or on behalf of one or more boards of education within the Metropolitan Area without designating such board or boards and, when such board or boards have been designated, pay amounts from such sum to or on behalf of such board or boards;
- (b) hold conferences with members and officers of the boards of education for the area municipalities and pay all or part of the costs incurred in connection with such conferences including all or part of the expenses of members and officers of the School Board and of the boards of education for the area municipalities; and
- (c) authorize the destruction of documents in accordance with *The Schools Administration Act*. R.S.O. 1970, c. 424

8. The said Act is amended by adding thereto the following section: s. 127a, enacted

127a. Section 36 of *The Secondary Schools and Boards of Education Act* applies *mutatis mutandis* to the School Board as if it were a divisional board of education. Auditors for school board, etc. R.S.O. 1970, c. 425

9. Subsection 3 of section 131 of the said Act is amended by striking out "and for items eligible for stimulation grants" in the second and third lines. s. 131 (3), amended

Commence-  
ment

**10.**—(1) This Act, except section 1, subsection 2 of section 3 and sections 4 and 8, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1, subsection 2 of section 3 and sections 4 and 8 come into force on the 1st day of January, 1973.

Short title

**11.** This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1972*.









An Act to amend The Municipality  
of Metropolitan Toronto Act

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*1st Reading*

May 8th, 1972

*2nd Reading*

*3rd Reading*

---

THE HON. T. L. WELLS  
Minister of Education

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*(Government Bill)*

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**BILL 113**

Government  
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend  
The Municipality of Metropolitan Toronto Act**

THE HON. T. L. WELLS  
Minister of Education



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL 113

1972

## An Act to amend The Municipality of Metropolitan Toronto Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 22 of *The Municipality of* <sup>s. 22 (1),  
amended</sup> *Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "except The Metropolitan Toronto School Board".

**2.** Subsection 2 of section 118 of the said Act is repealed <sup>s. 118 (2),  
re-enacted</sup> and the following substituted therefor:

- (2) The number of members to be elected by public <sup>Members  
elected by  
public school  
electors</sup> school electors to the boards of education,
- (a) for the City of Toronto and for the boroughs of Etobicoke and East York shall be two in each ward of the city or borough, as the case may be;
- (b) for each of the other area municipalities shall be one in each ward of the area municipality.

**3.**—(1) Subsection 1 of section 119 of the said Act is <sup>s. 119 (1),  
re-enacted</sup> repealed and the following substituted therefor:

- (1) The provisions of *The Ministry of Education Act*, <sup>Application  
of R.S.O. 1970,  
cc. 385, 424,  
425, 430</sup> *The Public Schools Act*, *The Schools Administration Act*, Parts I, II, III, V and VI of *The Secondary Schools and Boards of Education Act* and the regulations that are not inconsistent with this Act apply to the boards of education referred to in subsection 1 of section 118, and, so far as such provisions are inconsistent with this Act, they do not apply to such boards of education.

(2) The said section 119 is amended by adding thereto <sup>s. 119,  
amended</sup> the following subsection:

Auditors for  
boards of  
education for  
area municipi-  
palities  
R.S.O. 1970,  
c. 425

- (1a) Section 36 of *The Secondary Schools and Boards of Education Act* applies *mutatis mutandis* to each such board of education as if it were a divisional board of education.

s. 121 (2),  
re-enacted

4.—(1) Subsection 2 of section 121 of the said Act is repealed and the following substituted therefor:

Composition  
of School  
Board

- (2) On and after the 1st day of January, 1973, the School Board, subject to subsection 6, shall be composed of the chairman of each board of education in the Metropolitan Area and,

- (a) one member of and appointed by The Board of Education for the Borough of Etobicoke;
- (b) three members of and appointed by The Board of Education for the Borough of North York;
- (c) two members of and appointed by The Board of Education for the Borough of Scarborough;
- (d) five members of and appointed by The Board of Education for the City of Toronto; and
- (e) three members appointed by the Metropolitan Separate School Board who may be members of such board.

s. 121 (3),  
amended

(2) Subsection 3 of the said section 121 is amended by inserting after "York" in the first line "The Board of Education for the Borough of Etobicoke".

s. 121 (6),  
re-enacted

(3) Subsection 6 of the said section 121 is repealed and the following substituted therefor:

Disqualifica-  
tion of  
member of  
board of  
education

- (6) A member of a board of education for an area municipality who is,

- (a) elected by separate school supporters; or
- (b) appointed, in the case of a vacancy, by the remaining members elected to the board of education by separate school supporters or by the Metropolitan Separate School Board,

is not eligible to be a member of the School Board and, where such member is the chairman of the board of education, the board of education shall appoint in his stead another member thereof as a member of the School Board.

- (7) No person employed by the School Board is eligible to be a member of the School Board. Disqualifica-  
tion of  
employee

**5.** Subsection 3 of section 122 of the said Act is amended by inserting after "121" in the second line "or an alternate member of the School Board under subsection 3 of section 121" and by adding at the end thereof "or an alternate member, as the case may be". s. 122 (3),  
amended

**6.** Subsection 3 of section 124 of the said Act is amended by striking out "under clause e of subsection 2 of section 121" in the first and second lines and inserting in lieu thereof "by the Metropolitan Separate School Board". s. 124 (3),  
amended

**7.** Section 127 of the said Act is amended by adding thereto the following subsection: s. 127,  
amended

- (2) The School Board may, Additional  
powers
- (a) include in its estimates a sum for expenditures by or on behalf of one or more boards of education within the Metropolitan Area without designating such board or boards and, when such board or boards have been designated, pay amounts from such sum to or on behalf of such board or boards;
  - (b) hold conferences with members and officers of the boards of education for the area municipalities and pay all or part of the costs incurred in connection with such conferences including all or part of the expenses of members and officers of the School Board and of the boards of education for the area municipalities; and
  - (c) authorize the destruction of documents in accordance with *The Schools Administration Act*. R.S.O. 1970,  
c. 424

**8.** The said Act is amended by adding thereto the following section: s. 127a,  
enacted

127a. Section 36 of *The Secondary Schools and Boards of Education Act* applies *mutatis mutandis* to the School Board as if it were a divisional board of education. Auditors for  
school board,  
etc.  
R.S.O. 1970,  
c. 425

**9.** Subsection 3 of section 131 of the said Act is amended by striking out "and for items eligible for stimulation grants" in the second and third lines. s. 131 (3),  
amended



Commence-  
ment

**10.**—(1) This Act, except section 1, subsection 2 of section 3 and sections 4 and 8, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1, subsection 2 of section 3 and sections 4 and 8 come into force on the 1st day of January, 1973.

Short title

**11.** This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1972*.



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An Act to amend The Municipality  
of Metropolitan Toronto Act

---

*1st Reading*

May 8th, 1972

*2nd Reading*

May 16th, 1972

*3rd Reading*

May 16th, 1972

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THE HON. T. L. WELLS  
Minister of Education

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Government  
Publications

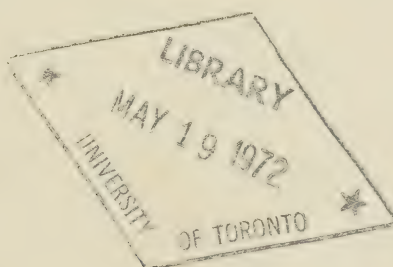
**BILL 114**

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO,  
21 ELIZABETH II, 1972

**An Act to amend  
The Ontario Institute for Studies in Education Act**

THE HON. T. L. WELLS  
Minister of Education



#### EXPLANATORY NOTE

The amendment changes the fiscal year of the Institute to coincide with the semester year which provides a spring semester ending on April 30th and a summer semester beginning on May 1st.

BILL 114

1972

## An Act to amend The Ontario Institute for Studies in Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Ontario Institute for Studies in Education Act*, being chapter 319 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: <sup>s. 8, re-enacted</sup>

8. The fiscal year of the Board that commences on the 1st day of July, 1972 shall end on the 30th day of April, 1973, and thereafter the fiscal year of the Board shall commence on the 1st day of May of each year and end on the 30th day of April of the following year. <sup>Fiscal year</sup>

2. This Act comes into force on the 1st day of July, 1972. <sup>Commence-  
ment</sup>

3. This Act may be cited as *The Ontario Institute for Studies in Education Amendment Act, 1972*. <sup>Short title</sup>

An Act to amend  
The Ontario Institute for  
Studies in Education Act

---

*1st Reading*

May 9th, 1972

*2nd Reading*

*3rd Reading*

---

THE HON. T. L. WELLS  
Minister of Education

---

*(Government Bill)*



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**BILL 114**

Government  
Publication

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend  
The Ontario Institute for Studies in Education Act**

THE HON. T. L. WELLS  
Minister of Education



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL 114

1972

## An Act to amend The Ontario Institute for Studies in Education Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Ontario Institute for Studies in Education Act*, being chapter 319 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

8. The fiscal year of the Board that commences on the 1st day of July, 1972 shall end on the 30th day of April, 1973, and thereafter the fiscal year of the Board shall commence on the 1st day of May of each year and end on the 30th day of April of the following year.

2. This Act comes into force on the 1st day of July, 1972.

Commence-  
ment

3. This Act may be cited as *The Ontario Institute for Studies in Education Amendment Act, 1972*.

Short title

An Act to amend  
The Ontario Institute for  
Studies in Education Act

---

*1st Reading*

May 9th, 1972

*2nd Reading*

May 16th, 1972

*3rd Reading*

May 16th, 1972

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THE HON. T. L. WELLS  
Minister of Education

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**BILL 115**

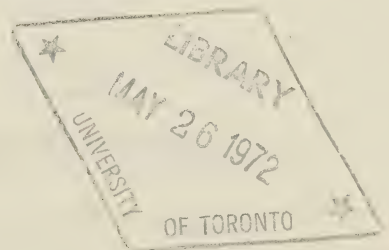
**Government Bill**

Government  
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend  
The Ontario Development Corporation Act**

THE HON. J. WHITE  
Minister of Industry and Tourism



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The maximum number of directors of the Corporation is increased from nine to thirteen. The minimum remains at five.

SECTION 2. The provisions for an executive committee are deleted.

SECTION 3.—Subsection 1. The instances where approvals of the Lieutenant Governor in Council are required are delegated to be prescribed by regulation.

Subsection 2. The repeal removes the limits on loans and guarantees and removes the time limit for forgiving of loans.

SECTION 4. The new provision requires annual reports of the particulars of all loans and guarantees.

BILL 115

1972

## An Act to amend The Ontario Development Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Ontario Development Corporation Act*, being chapter 308 of the Revised Statutes of Ontario, 1970, is amended by striking out "nine" in the third line and inserting in lieu thereof "thirteen". s. 2 (1),  
amended
2. Subsections 2 and 3 of section 5 of the said Act are repealed. s. 5 (2, 3),  
repealed
- 3.—(1) Subsection 2 of section 8 of the said Act is repealed and the following substituted therefor: s. 8 (2),  
re-enacted
  - (2) The Lieutenant Governor in Council may, by regulation, require the approval by the Lieutenant Governor in Council of the exercise of all or any of the powers of the Corporation under subsection 1. Approvals by  
Lieutenant  
Governor in  
Council
  - (2) Subsection 4 of the said section 8, as amended by the Statutes of Ontario, 1971, chapter 67, section 1, is repealed. s. 8 (4),  
repealed
4. Section 21 of the said Act is amended by adding thereto the following subsection: s. 21,  
amended
  - (1a) The Corporation shall, in addition to making an annual report under subsection 1, make to the Minister an annual report of all the loans made and of all the guarantees given for the payment of loans under section 8, setting out the amounts and the terms of the loans and the guarantees together with the names and the addresses of the persons to whom the loans are made or in respect of whom the guarantees are given, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual  
report



Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Ontario Development Corporation Amendment Act, 1972*.







# BILL 115

---

An Act to amend  
The Ontario Development  
Corporation Act

---

*1st Reading*

May 11th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. J. WHITE  
Minister of Industry and Tourism

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*(Government Bill)*

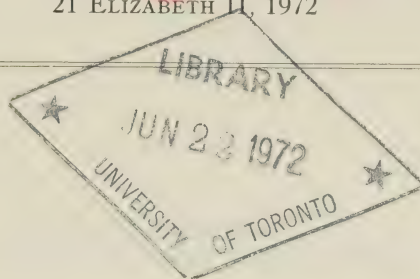
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BILL 115

Government  
Bill  
Government  
Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972



**An Act to amend  
The Ontario Development Corporation Act**

THE HON. J. WHITE  
Minister of Industry and Tourism

*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTES

SECTION 1. The maximum number of directors of the Corporation is increased from nine to thirteen. The minimum remains at five.

SECTION 2. The provisions for an executive committee are deleted.

SECTION 3.—Subsection 1. The instances where approvals of the Lieutenant Governor in Council are required are delegated to be prescribed by regulation.

Subsection 2. The repeal removes the limits on loans and guarantees and removes the time limit for forgiving of loans.

SECTION 4. The new provision requires annual reports of the particulars of all loans and guarantees.



BILL 115

1972

## An Act to amend The Ontario Development Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Ontario Development Corporation Act*, being chapter 308 of the Revised Statutes of Ontario, 1970, is amended by striking out "nine" in the third line and inserting in lieu thereof "thirteen". s. 2 (1),  
amended

2. Subsections 2 and 3 of section 5 of the said Act are repealed. s. 5 (2, 3),  
repealed

3.—(1) Subsection 2 of section 8 of the said Act is repealed and the following substituted therefor: s. 8 (2),  
re-enacted



(2) The powers conferred by clause *c* of subsection 1 shall only be exercised with the approval of the Lieutenant Governor in Council and the Lieutenant Governor in Council may, by regulation, require the approval by the Lieutenant Governor in Council of the exercise of all or any of the powers of the Corporation conferred by clauses *a* and *b* of subsection 1. Approvals by  
Lieutenant  
Governor in  
Council



(2) Subsection 4 of the said section 8, as amended by the Statutes of Ontario, 1971, chapter 67, section 1, is repealed. s. 8 (4),  
repealed

4. Section 21 of the said Act is amended by adding thereto the following subsection: s. 21,  
amended

(1a) The Corporation shall, in addition to making an annual report under subsection 1, make to the Minister an annual report of all the loans made and of all the guarantees given for the payment of loans under section 8, setting out the amounts and the terms of the loans and the guarantees together with the names and the addresses of the persons to whom Annual  
report

the loans are made or in respect of whom the guarantees are given, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Ontario Development Corporation Amendment Act, 1972*.







## BILL 115

---

An Act to amend  
The Ontario Development  
Corporation Act

---

*1st Reading*

May 11th, 1972

*2nd Reading*

May 25th, 1972

*3rd Reading*

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THE HON. J. WHITE  
Minister of Industry and Tourism

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*(Reprinted as amended by the  
Committee of the Whole House)*

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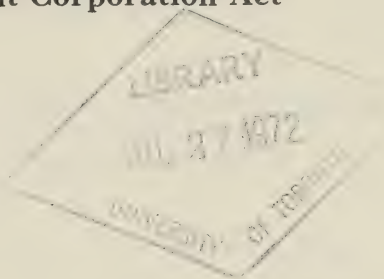
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**BILL 115**

Government  
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend  
The Ontario Development Corporation Act**



THE HON. J. WHITE  
Minister of Industry and Tourism

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER





BILL 115

1972

## An Act to amend The Ontario Development Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Ontario Development Corporation Act*, being chapter 308 of the Revised Statutes of Ontario, 1970, is amended by striking out "nine" in the third line and inserting in lieu thereof "thirteen". s. 2 (1),  
amended
2. Subsections 2 and 3 of section 5 of the said Act are repealed. s. 5 (2, 3),  
repealed
- 3.—(1) Subsection 2 of section 8 of the said Act is repealed and the following substituted therefor: s. 8 (2),  
re-enacted
  - (2) The powers conferred by clause *c* of subsection 1 shall only be exercised with the approval of the Lieutenant Governor in Council and the Lieutenant Governor in Council may, by regulation, require the approval by the Lieutenant Governor in Council of the exercise of all or any of the powers of the Corporation conferred by clauses *a* and *b* of subsection 1. Approvals by  
Lieutenant  
Governor in  
Council
- (2) Subsection 4 of the said section 8, as amended by the Statutes of Ontario, 1971, chapter 67, section 1, is repealed. s. 8 (4),  
repealed
4. Section 21 of the said Act is amended by adding thereto the following subsection: s. 21,  
amended
  - (1a) The Corporation shall, in addition to making an annual report under subsection 1, make to the Minister an annual report of all the loans made and of all the guarantees given for the payment of loans under section 8, setting out the amounts and the terms of the loans and the guarantees together with the names and the addresses of the persons to whom Annual  
report

the loans are made or in respect of whom the guarantees are given, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Ontario Development Corporation Amendment Act, 1972*.







---

An Act to amend  
The Ontario Development  
Corporation Act

---

*1st Reading*

May 11th, 1972

*2nd Reading*

May 25th, 1972

*3rd Reading*

June 21st, 1972

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THE HON. J. WHITE  
Minister of Industry and Tourism

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## BILL 116

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend  
The Northern Ontario Development Corporation Act**

THE HON. J. WHITE  
Minister of Industry and Tourism



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1.—Subsection 1. The maximum number of directors of the Corporation is increased from nine to thirteen. The minimum remains at five.

Subsection 2. At present the vice-chairman of Ontario Development Corporation is *ex officio* a member of the Board. The amendment requires one member to be a director of Ontario Development Corporation.

SECTION 2. The provisions for an executive committee are deleted.

SECTION 3.—Subsections 1 and 2. The instances where approvals of the Lieutenant Governor in Council are required are delegated to be prescribed by regulation.

Subsection 3. The repeal removes the limits on loans and guarantees and removes the time limit for forgiving of loans.

SECTION 4. The new provision requires annual reports of the particulars of all loans and guarantees.

BILL 116

1972

## An Act to amend The Northern Ontario Development Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 2 of *The Northern Ontario Development Corporation Act*, being chapter 299 of the Revised Statutes of Ontario, 1970, is amended by striking out “nine” in the third line and inserting in lieu thereof “thirteen”. s. 2 (1),  
amended

(2) Subsection 2 of the said section 2 is repealed and the following substituted therefor: s. 2 (2),  
re-enacted

(2) One member shall be appointed from among the directors of Ontario Development Corporation. Director  
of O.D.C.  
to be  
member

**2.** Subsections 2 and 3 of section 4 of the said Act are repealed. s. 4 (2, 3),  
repealed

**3.**—(1) Subsection 1 of section 6 of the said Act is amended by striking out “subject to the approval of the Lieutenant Governor in Council” in the second and third lines. s. 6 (1),  
amended

(2) The said section 6 is amended by adding thereto the following subsection: s. 6,  
amended

(1a) The Lieutenant Governor in Council may, by regulation, require the approval by the Lieutenant Governor in Council of the exercise of all or any of the powers of the Corporation under subsection 1. Approvals by  
Lieutenant  
Governor  
in Council

(3) Subsection 3 of the said section 6, as amended by the Statutes of Ontario, 1971, chapter 87, section 1, is repealed. s. 6 (3),  
repealed

**4.** Section 12 of the said Act is amended by adding thereto the following subsection: s. 12,  
amended

Annual  
report

(1a) The Corporation shall, in addition to making an annual report under subsection 1, make to the Minister an annual report of all the loans made and of all the guarantees given for the payment of loans under section 6, setting out the amounts and the terms of the loans and the guarantees together with the names and addresses of the persons to whom the loans are made or in respect of whom the guarantees are given, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Northern Ontario Development Corporation Amendment Act, 1972*.









---

An Act to amend  
The Northern Ontario Development  
Corporation Act

---

*1st Reading*

May 11th, 1972

*2nd Reading*

*3rd Reading*

---

THE HON. J. WHITE  
Minister of Industry and Tourism

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(*Government Bill*)

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**BILL 116**

**Government Bill**

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

*Government  
Publications*

**An Act to amend  
The Northern Ontario Development Corporation Act**



THE HON. J. WHITE  
Minister of Industry and Tourism

*(Reprinted as amended by the Committee of the Whole House)*

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1.—Subsection 1. The maximum number of directors of the Corporation is increased from nine to thirteen. The minimum remains at five.

Subsection 2. At present the vice-chairman of Ontario Development Corporation is *ex officio* a member of the Board. The amendment requires one member to be a director of Ontario Development Corporation.

SECTION 2. The provisions for an executive committee are deleted.

SECTION 3.—Subsections 1 and 2. The instances where approvals of the Lieutenant Governor in Council are required are delegated to be prescribed by regulation.

Subsection 3. The repeal removes the limits on loans and guarantees and removes the time limit for forgiving of loans.

BILL 116

1972

**An Act to amend  
The Northern Ontario Development  
Corporation Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 2 of *The Northern Ontario Development Corporation Act*, being chapter 299 of the Revised Statutes of Ontario, 1970, is amended by striking out “nine” in the third line and inserting in lieu thereof “thirteen”. s. 2 (1),  
amended

(2) Subsection 2 of the said section 2 is repealed and the following substituted therefor: s. 2 (2),  
re-enacted

(2) One member shall be appointed from among the directors of Ontario Development Corporation. Director  
of O.D.C.  
to be  
member

**2.** Subsections 2 and 3 of section 4 of the said Act are repealed. s. 4 (2, 3),  
repealed

**3.**—(1) Subsection 1 of section 6 of the said Act is amended by striking out “subject to the approval of the Lieutenant Governor in Council” in the second and third lines. s. 6 (1),  
amended

(2) The said section 6 is amended by adding thereto the following subsection: s. 6,  
amended

**1(a)** The powers conferred by clause *c* of subsection 1 shall only be exercised with the approval of the Lieutenant Governor in Council and the Lieutenant Governor in Council may, by regulation, require the approval by the Lieutenant Governor in Council of the exercise of all or any of the powers of the Corporation conferred by clauses *a* and *b* of subsection 1. Approvals by  
Lieutenant  
Governor  
in Council

(3) Subsection 3 of the said section 6, as amended by the Statutes of Ontario, 1971, chapter 87, section 1, is repealed. s. 6 (3),  
repealed

s. 12,  
amended

**4.** Section 12 of the said Act is amended by adding thereto the following subsection :

Annual  
report

(1a) The Corporation shall, in addition to making an annual report under subsection 1, make to the Minister an annual report of all the loans made and of all the guarantees given for the payment of loans under section 6, setting out the amounts and the terms of the loans and the guarantees together with the names and addresses of the persons to whom the loans are made or in respect of whom the guarantees are given, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Northern Ontario Development Corporation Amendment Act, 1972*.

SECTION 4. The new provision requires annual reports of the particulars of all loans and guarantees.







An Act to amend  
The Northern Ontario Development  
Corporation Act

---

*1st Reading*

May 11th, 1972

*2nd Reading*

May 25th, 1972

*3rd Reading*

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THE HON. J. WHITE  
Minister of Industry and Tourism

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*(Reprinted as amended by the  
Committee of the Whole House)*

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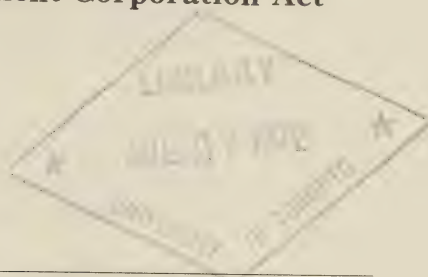
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**BILL 116**

Government  
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend  
The Northern Ontario Development Corporation Act**



THE HON. J. WHITE  
Minister of Industry and Tourism

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER



BILL 116

1972

**An Act to amend  
The Northern Ontario Development  
Corporation Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 2 of *The Northern Ontario Development Corporation Act*, being chapter 299 of the Revised Statutes of Ontario, 1970, is amended by striking out “nine” in the third line and inserting in lieu thereof “thirteen”. s. 2 (1),  
amended

(2) Subsection 2 of the said section 2 is repealed and the following substituted therefor: s. 2 (2),  
re-enacted

(2) One member shall be appointed from among the directors of Ontario Development Corporation. Director  
of O.D.C.  
to be  
member

**2.** Subsections 2 and 3 of section 4 of the said Act are repealed. s. 4 (2, 3),  
repealed

**3.**—(1) Subsection 1 of section 6 of the said Act is amended by striking out “subject to the approval of the Lieutenant Governor in Council” in the second and third lines. s. 6 (1),  
amended

(2) The said section 6 is amended by adding thereto the following subsection: s. 6,  
amended

(1a) The powers conferred by clause *c* of subsection 1 shall only be exercised with the approval of the Lieutenant Governor in Council and the Lieutenant Governor in Council may, by regulation, require the approval by the Lieutenant Governor in Council of the exercise of all or any of the powers of the Corporation conferred by clauses *a* and *b* of subsection 1. Approvals by  
Lieutenant  
Governor  
in Council

(3) Subsection 3 of the said section 6, as amended by the Statutes of Ontario, 1971, chapter 87, section 1, is repealed. s. 6 (3),  
repealed

s. 12,  
amended

**4.** Section 12 of the said Act is amended by adding thereto the following subsection :

Annual  
report

(1a) The Corporation shall, in addition to making an annual report under subsection 1, make to the Minister an annual report of all the loans made and of all the guarantees given for the payment of loans under section 6, setting out the amounts and the terms of the loans and the guarantees together with the names and addresses of the persons to whom the loans are made or in respect of whom the guarantees are given, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Northern Ontario Development Corporation Amendment Act, 1972*.









---

An Act to amend  
The Northern Ontario Development  
Corporation Act

---

*1st Reading*

May 11th, 1972

*2nd Reading*

May 25th, 1972

*3rd Reading*

June 21st, 1972

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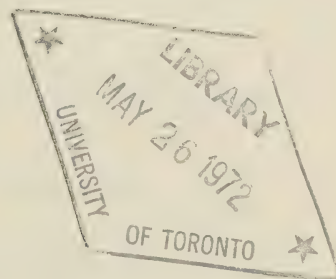
THE HON. J. WHITE  
Minister of Industry and Tourism

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972 III

## An Act to amend The Children's Institutions Act

THE HON. R. BRUNELLE  
Minister of Community and Social Services



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The definition of "children's institution" is restated so as not necessarily to be limited to establishments caring for persons under eighteen years of age.

BILL 117

1972

## An Act to amend The Children's Institutions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Children's Institutions Act*, <sup>s. 1 (d), re-enacted</sup> being chapter 66 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (d) "children's institution" means a building or buildings maintained and operated by an approved corporation for children and other persons requiring sheltered, specialized or group care but does not include,
- (i) a charitable institution under *The Charitable Institutions Act*, R.S.O. 1970,  
c. 62
  - (ii) a children's boarding home that is registered under *The Children's Boarding Homes Act*, R.S.O. 1970,  
c. 65
  - (iii) a hospital under *The Children's Mental Hospitals Act*, R.S.O. 1970,  
c. 69
  - (iv) a boarding home, a place of safety or a receiving home within the meaning of Part II of *The Child Welfare Act*, R.S.O. 1970,  
c. 64
  - (v) a day nursery established and operated under *The Day Nurseries Act*, R.S.O. 1970,  
c. 104
  - (vi) a children's mental health centre under *The Children's Mental Health Centres Act*, R.S.O. 1970,  
c. 68
  - (vii) a home for retarded persons under *The Homes for Retarded Persons Act*, R.S.O. 1970,  
c. 204
  - (viii) an institution under *The Mental Hospitals Act*, R.S.O. 1970,  
c. 270

R.S.O. 1970,  
c. 361

(ix) a private hospital under *The Private Hospitals Act*,

R.S.O. 1970,  
c. 363

(x) a sanitarium under *The Private Sanitaria Act*,

R.S.O. 1970,  
c. 378

(xi) a hospital under *The Public Hospitals Act*,

R.S.O. 1970,  
c. 422

(xii) a sanatorium under *The Sanatoria for Consumptives Act*.

ss. 5, 6,  
re-enacted

**2.** Sections 5 and 6 of the said Act are repealed and the following substituted therefor:

Grants for  
construction  
of buildings  
or additions

5. When the site and plans of a new building or the plans of an addition to an existing building used or to be used as a children's institution have been approved by the Minister under clause *c* of subsection 1 of section 4, he may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved corporation erecting the new building or the addition of an amount equal to the cost to the approved corporation of the new building or the addition, computed in accordance with the regulations, but not exceeding an amount based upon the bed capacity of the new building or the addition, at the rate of \$5,000 per bed or such greater amount per bed as the regulations prescribe.

Grants for  
acquisition  
of buildings

6. When the acquisition of a building to be used as a children's institution has been approved by the Minister under clause *d* of subsection 1 of section 4, he may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved corporation acquiring the building of an amount equal to the cost to the approved corporation of the acquisition, computed in accordance with the regulations, but not exceeding an amount based upon the bed capacity of the building at the rate of \$1,200 per bed or such greater amount per bed as the regulations prescribe.

s. 7,  
re-enacted

**3.** Section 7 of the said Act is repealed and the following substituted therefor:

Subsidy for  
operating and  
maintenance  
costs

7. There shall be paid to an approved corporation maintaining and operating an approved children's institution, out of the moneys appropriated therefor by the Legislature, an amount equal to 80 per cent, or such higher percentage as the regulations prescribe, of the cost, computed in accordance with the



SECTION 2. The re-enacted sections provide for grants to be made on the direction of the Minister rather than the Lieutenant Governor in Council; the limitation on the amount of a grant based on bed capacity has been retained but may be increased by regulation.

SECTION 3. The re-enacted section providing for operating grants will now permit payment of subsidy for such persons over eighteen years of age as the regulations prescribe; the limit on the subsidy to 80 per cent of the cost has been retained but the percentage may be increased by regulation.

SECTION 4. These amendments to the regulation-making authority are complementary to sections 1, 2 and 3 of the Bill.

regulations, of services provided by the corporation for children and other persons or classes of persons prescribed by the regulations who are not wards of the Crown or wards of a children's aid society under *The Child Welfare Act*.

R.S.O. 1970,  
c. 64

4.—(1) Clause *c* of section 10 of the said Act is amended by inserting after “children” in the second line “and other persons”.

s. 10 (c),  
amended

(2) Clause *d* of the said section 10 is repealed and the following substituted therefor:

s. 10 (d),  
re-enacted

(d) governing the admission of children and other persons to children's institutions or to any class thereof, prescribing the classes of children and classes of other persons that may be cared for in any class of children's institutions and the care, maintenance, treatment and other services to be provided for them.

(3) Clause *f* of the said section 10 is amended by inserting after “children” in the second line “and other persons”.

s. 10 (f),  
amended

(4) Clause *i* of the said section 10 is repealed and the following substituted therefor:

s. 10 (i),  
re-enacted

(i) prescribing classes of persons other than children for whom payment shall be made under section 7.

(ia) prescribing the manner of computing the cost of services provided for children and other persons or classes of persons by an approved corporation and prescribing classes of payments for the purpose of determining the amounts of the payments to be made under section 7.

(ib) prescribing a greater amount per bed for the purposes of section 5 or 6 and prescribing a higher percentage for the purposes of section 7.

5.—(1) This Act, except sections 1 and 3 and subsection 4 of section 4, comes into force on the day it receives Royal Assent.

Commence-  
ment

(2) Sections 1 and 3 and subsection 4 of section 4 shall be deemed to have come into force on the 31st day of December, 1971.

6. This Act may be cited as *The Children's Institutions Amendment Act, 1972*.

Short title

An Act to amend  
The Children's Institutions Act

---

*1st Reading*

May 11th, 1972

*2nd Reading*

*3rd Reading*

---

THE HON. R. BRUNELLE  
Minister of Community and Social Services

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*(Government Bill)*

## BILL 117

Government  
Publication

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

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**An Act to amend The Children's Institutions Act**

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THE HON. R. BRUNELLE  
Minister of Community and Social Services

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL 117

1972

## An Act to amend The Children's Institutions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Children's Institutions Act*, <sup>s. 1 (d),</sup> being chapter 66 of the Revised Statutes of Ontario, 1970, is re-enacted repealed and the following substituted therefor:

- (d) "children's institution" means a building or buildings maintained and operated by an approved corporation for children and other persons requiring sheltered, specialized or group care but does not include,
- (i) a charitable institution under *The Charitable Institutions Act*, R.S.O. 1970,  
c. 62
  - (ii) a children's boarding home that is registered under *The Children's Boarding Homes Act*, R.S.O. 1970,  
c. 65
  - (iii) a hospital under *The Children's Mental Hospitals Act*, R.S.O. 1970,  
c. 69
  - (iv) a boarding home, a place of safety or a receiving home within the meaning of Part II of *The Child Welfare Act*, R.S.O. 1970,  
c. 64
  - (v) a day nursery established and operated under *The Day Nurseries Act*, R.S.O. 1970,  
c. 104
  - (vi) a children's mental health centre under *The Children's Mental Health Centres Act*, R.S.O. 1970,  
c. 68
  - (vii) a home for retarded persons under *The Homes for Retarded Persons Act*, R.S.O. 1970,  
c. 204
  - (viii) an institution under *The Mental Hospitals Act*, R.S.O. 1970,  
c. 270



R.S.O. 1970,  
c. 361

(ix) a private hospital under *The Private Hospitals Act*,

R.S.O. 1970,  
c. 363

(x) a sanitarium under *The Private Sanitaria Act*,

R.S.O. 1970,  
c. 378

(xi) a hospital under *The Public Hospitals Act*,

R.S.O. 1970,  
c. 422

(xii) a sanatorium under *The Sanatoria for Consumptives Act*.

ss. 5, 6,  
re-enacted

**2.** Sections 5 and 6 of the said Act are repealed and the following substituted therefor:

Grants for  
construction  
of buildings  
or additions

5. When the site and plans of a new building or the plans of an addition to an existing building used or to be used as a children's institution have been approved by the Minister under clause *c* of subsection 1 of section 4, he may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved corporation erecting the new building or the addition of an amount equal to the cost to the approved corporation of the new building or the addition, computed in accordance with the regulations, but not exceeding an amount based upon the bed capacity of the new building or the addition, at the rate of \$5,000 per bed or such greater amount per bed as the regulations prescribe.

Grants for  
acquisition  
of buildings

6. When the acquisition of a building to be used as a children's institution has been approved by the Minister under clause *d* of subsection 1 of section 4, he may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved corporation acquiring the building of an amount equal to the cost to the approved corporation of the acquisition, computed in accordance with the regulations, but not exceeding an amount based upon the bed capacity of the building at the rate of \$1,200 per bed or such greater amount per bed as the regulations prescribe.

s. 7,  
re-enacted

**3.** Section 7 of the said Act is repealed and the following substituted therefor:

Subsidy for  
operating and  
maintenance  
costs

7. There shall be paid to an approved corporation maintaining and operating an approved children's institution, out of the moneys appropriated therefor by the Legislature, an amount equal to 80 per cent, or such higher percentage as the regulations prescribe, of the cost, computed in accordance with the

regulations, of services provided by the corporation for children and other persons or classes of persons prescribed by the regulations who are not wards of the Crown or wards of a children's aid society under *The Child Welfare Act*.

R.S.O. 1970,  
c. 64

4.—(1) Clause *c* of section 10 of the said Act is amended by inserting after “children” in the second line “and other persons”.

s. 10 (c),  
amended

(2) Clause *d* of the said section 10 is repealed and the following substituted therefor:

s. 10 (d),  
re-enacted

(d) governing the admission of children and other persons to children's institutions or to any class thereof, prescribing the classes of children and classes of other persons that may be cared for in any class of children's institutions and the care, maintenance, treatment and other services to be provided for them.

(3) Clause *f* of the said section 10 is amended by inserting after “children” in the second line “and other persons”.

s. 10 (f),  
amended

(4) Clause *i* of the said section 10 is repealed and the following substituted therefor:

s. 10 (i),  
re-enacted

(i) prescribing classes of persons other than children for whom payment shall be made under section 7.

(ia) prescribing the manner of computing the cost of services provided for children and other persons or classes of persons by an approved corporation and prescribing classes of payments for the purpose of determining the amounts of the payments to be made under section 7.

(ib) prescribing a greater amount per bed for the purposes of section 5 or 6 and prescribing a higher percentage for the purposes of section 7.

5.—(1) This Act, except sections 1 and 3 and subsection 4 of section 4, comes into force on the day it receives Royal Assent.

Commence-  
ment

(2) Sections 1 and 3 and subsection 4 of section 4 shall be deemed to have come into force on the 31st day of December, 1971.

6. This Act may be cited as *The Children's Institutions Amendment Act, 1972*.

Short title





An Act to amend  
The Children's Institutions Act

---

*1st Reading*

May 11th, 1972

*2nd Reading*

May 16th, 1972

*3rd Reading*

May 25th, 1972

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THE HON. R. BRUNELLE  
Minister of Community and Social Services

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend  
The Osgoode Hall Law School Scholarships Act, 1968-69**

THE HON. G. A. KERR  
Minister of Colleges and Universities



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

The Honourable Mr. Justice F. H. Barlow Scholarship may presently be awarded to a male student only. The Bill permits the Scholarship to be awarded to the student who qualifies therefor regardless of sex.



BILL 118

1972

**An Act to amend The Osgoode Hall  
Law School Scholarships Act, 1968-69**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Osgoode Hall Law School Scholarships*<sup>s. 15, amended</sup> Act, 1968-69, being chapter 90, is amended by striking out "male" in the eighth line and in the fourteenth line.
2. Section 15 of the said Act, as amended by section 1 of Application this Act, applies in respect of the scholarship awarded in 1972 and subsequent years.
3. This Act comes into force on the day it receives Royal Commence-  
Assent.<sup>ment</sup>
4. This Act may be cited as *The Osgoode Hall Law School*<sup>Short title</sup> Scholarships Amendment Act, 1972.

An Act to amend  
The Osgoode Hall Law School  
Scholarships Act, 1968-69

---

*1st Reading*

May 11th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. G. A. KERR  
Minister of Colleges and Universities

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(*Government Bill*)

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BILL 118

Government  
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972 |||

An Act to amend  
The Osgoode Hall Law School Scholarships Act, 1968-69

THE HON. G. A. KERR  
Minister of Colleges and Universities



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER



BILL 118

1972

**An Act to amend The Osgoode Hall  
Law School Scholarships Act, 1968-69**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Osgoode Hall Law School Scholarships Act, 1968-69*, being chapter 90, is amended by striking out "male" in the eighth line and in the fourteenth line. <sup>s. 15, amended</sup>
2. Section 15 of the said Act, as amended by section 1 of <sup>Application</sup> this Act, applies in respect of the scholarship awarded in 1972 and subsequent years.
3. This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.
4. This Act may be cited as *The Osgoode Hall Law School* <sup>Short title</sup> *Scholarships Amendment Act, 1972*.

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An Act to amend  
The Osgoode Hall Law School  
Scholarships Act, 1968-69

---

*1st Reading*

May 11th, 1972

*2nd Reading*

June 13th, 1972

*3rd Reading*

June 13th, 1972

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THE HON. G. A. KERR  
Minister of Colleges and Universities

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-B 56

Government  
Publications

**BILL 119**

**Government Bill**

2ND SESSION, 29TH LEGISLATURE, ONTARIO, *Sept*  
21 ELIZABETH II, 1972 *IT*

**An Act to amend The Sunnybrook Hospital Act, 1966**

THE HON. G. A. KERR  
Minister of Colleges and Universities





#### EXPLANATORY NOTES

SECTION 1. The amendment reflects the change in the name and constitution of the governing body of the university that is embodied in *The University of Toronto Act, 1971*.

SECTION 2. Provision is made for the Chairman of the Governors and the President of the University of Toronto to appoint alternate members to sit in their stead on the board of trustees of Sunnybrook Hospital.

SECTION 3. The requirement that the chairman of the board of trustees of Sunnybrook Hospital be a member of the governing body of the University of Toronto is removed.

BILL 119

1972

**An Act to amend  
The Sunnybrook Hospital Act, 1966**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *b* of section 1 of *The Sunnybrook Hospital Act*, <sup>s. 1 (b),</sup> 1966, being chapter 150, is repealed and the following substituted therefor:

(b) "Governors" means The Governing Council of the University of Toronto.

**2.** Clause *a* of subsection 1 of section 3 of the said Act is <sup>s. 3 (1) (a),</sup> amended by striking out "the Chairman of the Governors and the President of the University of Toronto" in the first and second lines and inserting in lieu thereof "the Chairman of the Governors, or a person appointed by him, and the President of the University of Toronto, or a person appointed by him".

**3.** Section 4 of the said Act is repealed and the following <sup>s. 4,</sup> substituted therefor: re-enacted

4. One of the trustees shall be appointed by the <sup>Chairman</sup> Governors to be Chairman of the Board.

**4.—(1)** This Act, except section 1, comes into force on the <sup>Commence-</sup> day it receives Royal Assent. ment

(2) Section 1 comes into force on the 1st day of July, 1972. <sup>Idem</sup>

**5.** This Act may be cited as *The Sunnybrook Hospital* <sup>Short title</sup> *Amendment Act, 1972.*

An Act to amend  
The Sunnybrook Hospital Act, 1966

---

*1st Reading*

May 11th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. G. A. KERR  
Minister of Colleges and Universities

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*(Government Bill)*

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-B 56

**BILL 119**

Government  
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Sunnybrook Hospital Act, 1966**

THE HON. G. A. KERR  
Minister of Colleges and Universities





BILL 119

1972

**An Act to amend  
The Sunnybrook Hospital Act, 1966**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *b* of section 1 of *The Sunnybrook Hospital Act*, <sup>s. 1 (b),</sup> re-enacted 1966, being chapter 150, is repealed and the following substituted therefor:

(b) "Governors" means The Governing Council of the University of Toronto.

**2.** Clause *a* of subsection 1 of section 3 of the said Act is <sup>s. 3 (1) (a),</sup> amended by striking out "the Chairman of the Governors and the President of the University of Toronto" in the first and second lines and inserting in lieu thereof "the Chairman of the Governors, or a person appointed by him, and the President of the University of Toronto, or a person appointed by him".

**3.** Section 4 of the said Act is repealed and the following <sup>s. 4,</sup> re-enacted substituted therefor:

4. One of the trustees shall be appointed by the <sup>Chairman</sup> Governors to be Chairman of the Board.

**4.**—(1) This Act, except section 1, comes into force on the <sup>Commence-</sup> day it receives Royal Assent.<sup>ment</sup>

(2) Section 1 comes into force on the 1st day of July, 1972. <sup>Idem</sup>

**5.** This Act may be cited as *The Sunnybrook Hospital* <sup>Short title</sup> *Amendment Act, 1972.*

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## BILL 119

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An Act to amend  
The Sunnybrook Hospital Act, 1966

---

*1st Reading*

May 11th, 1972

*2nd Reading*

June 13th, 1972

*3rd Reading*

June 13th, 1972

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THE HON. G. A. KERR  
Minister of Colleges and Universities

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**BILL 120**

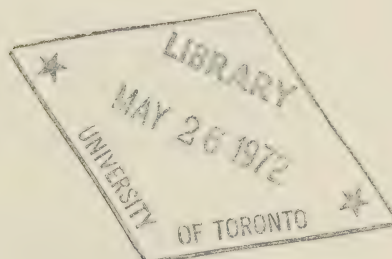
**Government Bill**

Government  
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend  
The Art Gallery of Ontario Act**

THE HON. G. A. KERR  
Minister of Colleges and Universities



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The amendment provides that the membership of the Gallery shall elect rather than appoint ten persons to the board of trustees of the Gallery.

SECTION 2. The amendment establishes the terms of office of trustees and their eligibility for reappointment and provides staggered terms for the Lieutenant Governor in Council appointees; presently all trustees hold office for a term of one year.

## An Act to amend The Art Gallery of Ontario Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 1 of section 4 of *The Art Gallery of Ontario Act*, being chapter 29 of the Revised Statutes of Ontario, 1970, is amended by striking out "appointed" in the first line and inserting in lieu thereof "elected". s. 4 (1) (b),  
amended

2.—(1) Subsections 2 and 3 of the said section 4 are repealed and the following substituted therefor: s. 4 (2, 3),  
re-enacted

(2) A trustee appointed under clause *a* or *c* or elected under clause *b* of subsection 1 shall hold office for a term of one year and until his successor is appointed or elected, as the case may be, and, subject to subsection 3, a trustee appointed under clause *d* of subsection 1 shall hold office for a term of three years and until his successor is appointed. Term of  
office

(3) Of the trustees first appointed under clause *d* of subsection 1 after the coming into force of this section, three shall hold office for a term of one year, three for a term of two years and four for a term of three years, and each trustee shall hold office until his successor is appointed. Idem

(3a) Where a vacancy occurs for any reason in the office of trustee, the vacancy may be filled by appointment by the body that appointed or elected the trustee whose office is vacant, and a person so appointed shall hold office for the remainder of the term of his predecessor. Vacancies

(3b) A trustee appointed or elected under subsection 1 is eligible for reappointment or re-election, as the case may be, but no trustee appointed under clause *d* of subsection 1 is eligible for reappointment or re-election. Eligibility  
for re-  
election or  
reappoint-  
ment

subsection 1 is eligible for reappointment on the expiration of his second consecutive term until at least one year has elapsed from the expiration of such term.

Term of  
office of  
present  
trustees

(2) A trustee holding office on the day upon which this section comes into force continues in office for the remainder of the term for which he was appointed, and for the purposes of subsection 3*b* of section 4, a trustee who holds office on the day that this section comes into force shall be deemed to have taken office for the first time at the date of his first reappointment to office after the termination of the term of office that he holds on the day this section comes into force.

s. 5 (a),  
amended

**3.**—(1) Clause *a* of section 5 of the said Act is amended by adding thereto the following subclause:

(iv) governing the election of trustees to the Board by the membership of the Gallery under clause *b* of subsection 1 of section 4.

s. 5 (c),  
re-enacted

(2) Clause *c* of the said section 5 is repealed and the following substituted therefor:

(c) appoint, promote, transfer or remove such officers, clerks and servants as it considers necessary from time to time for the proper conduct of the affairs of the Gallery and may delegate all or a part of the authority for so doing to the Director.

s. 5 (h),  
amended

(3) Clause *h* of the said section 5 is amended by striking out "having objects similar to those of the Gallery" in the second line and inserting in lieu thereof "to promote the objects of the Gallery".

s. 6,  
re-enacted

**4.** Section 6 of the said Act is repealed and the following substituted therefor:

Fiscal  
year

6. The fiscal year of the Gallery commencing the 1st day of July, 1972, shall end the 31st day of March, 1973 and thereafter the fiscal year of the Gallery shall extend from the 1st day of April of any year to the 31st day of March of the year next following.

s. 8*a*,  
enacted

**5.** The said Act is amended by adding thereto the following section:

Conflict

R.S.O. 1970,  
c. 89

**8*a*.** In the event of a conflict between any provision of this Act and any provision of *The Corporations Act*, the provision of this Act prevails.

SECTION 3. The regulation-making power of the Board is enlarged and clarified.

SECTION 4. The present fiscal year of the Art Gallery runs from July 1st to June 30th of the following year.

SECTION 5. Self-explanatory.

SECTION 6. The Art Gallery is now exempt from every form of provincial and municipal taxation; in future, the exemption will be limited to municipal and school taxes.

SECTION 7. The re-enacted section will require the auditors appointed by the Board to be licensed under *The Public Accountancy Act*.

SECTION 8. The Board's annual report will be submitted to the Minister and tabled.

SECTION 9. The section added authorizes the conveyance by the Art Gallery to the City of Toronto of certain lands for a future twenty-one foot widening of Dundas Street and an eight foot widening of Beverley Street; under the terms of the bequest to the Art Gallery of its lands, any conveyance or alienation is prohibited.

**6.** Section 9 of the said Act is repealed and the following <sup>s. 9, re-enacted</sup> substituted therefor:

9. The real and personal property vested in the Gallery <sup>Tax exemption</sup> and any lands and premises leased to and occupied by the Gallery are not liable to taxation for municipal or school purposes so long as they are actually used and occupied for the purposes of the Gallery.

**7.** Section 14 of the said Act is repealed and the following <sup>s. 14, re-enacted</sup> substituted therefor:

14. The Board shall appoint one or more auditors <sup>Auditors R.S.O. 1970, c. 373</sup> licensed under *The Public Accountancy Act* to audit the accounts and transactions of the Gallery at least once a year.

**8.** Section 15 of the said Act is repealed and the following <sup>s. 15, re-enacted</sup> substituted therefor:

- 15.—(1) The Board shall submit to the Minister of Colleges <sup>Annual report, etc.</sup> and Universities an annual report and such other reports as he may request from time to time.

- (2) The Minister of Colleges and Universities shall sub-<sup>Tabling</sup>mit the annual report to the Lieutenant Governor in Council and shall then lay such report before the Assembly if it is in session or, if not, at the next ensuing session.

**9.** The said Act is amended by adding thereto the following <sup>s. 17, enacted</sup> section:

17. Notwithstanding section 16 and the condition <sup>Conveyance of lands to Toronto authorized</sup> attached to a deed dated the 17th day of February, 1911, registered in the Registry Office for the Registry Division of Toronto as No. 23798S between Goldwin Larratt Smith, of the City of Toronto, Solicitor, surviving Executor and Trustee of the Last Will and Testament of Harriette Elizabeth Mann Smith, deceased, and James Frederick Smith and the said Goldwin Larratt Smith, of the same place, Solicitors, Executors and Trustees of the Last Will and Testament of Goldwin Smith, deceased, and the Art Museum of Toronto, the Gallery may convey, release, quit claim or otherwise dispose of to The Corporation of the City of Toronto the lands set forth in the Schedule.



Commence- ment	<b>10.</b> —(1) This Act, except section 4, comes into force on the day it receives Royal Assent.
Idem	(2) Section 4 comes into force on the 1st day of July, 1972.
Short title	<b>11.</b> This Act may be cited as <i>The Art Gallery of Ontario Amendment Act, 1972</i> .

## SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto, in the Municipality of Metropolitan Toronto (formerly in the County of York) and Province of Ontario being composed of:

*Firstly:* Part of Park Lot 13 in the First Concession from the Bay, in the original Township of York but now in the said City of Toronto, the said parcel of land being designated as Part 7 on a plan of survey deposited in the Registry Office for the Registry Division of Toronto as 63R-357.

*Secondly:* Part of Park Lots 13 and 14 in the First Concession from the Bay, in the original Township of York but now in the said City of Toronto, the said parcels of land being designated as Parts 13 and 14 on said plan of survey deposited in the Registry Office for the Registry Division of Toronto as 63R-357.





**BILL 120**

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An Act to amend  
The Art Gallery of Ontario Act

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*1st Reading*

May 11th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. G. A. KERR  
Minister of Colleges and Universities

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(*Government Bill*)

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**BILL 120**

Government  
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend  
The Art Gallery of Ontario Act**

THE HON. G. A. KERR  
Minister of Colleges and Universities







## An Act to amend The Art Gallery of Ontario Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 1 of section 4 of *The Art Gallery of Ontario Act*, being chapter 29 of the Revised Statutes of Ontario, 1970, is amended by striking out "appointed" in the first line and inserting in lieu thereof "elected". s. 4 (1) (b),  
amended

2.—(1) Subsections 2 and 3 of the said section 4 are repealed s. 4 (2, 3),  
re-enacted and the following substituted therefor:

(2) A trustee appointed under clause *a* or *c* or elected Term of  
office under clause *b* of subsection 1 shall hold office for a term of one year and until his successor is appointed or elected, as the case may be, and, subject to subsection 3, a trustee appointed under clause *d* of subsection 1 shall hold office for a term of three years and until his successor is appointed.

(3) Of the trustees first appointed under clause *d* of subsection 1 after the coming into force of this section, Idem three shall hold office for a term of one year, three for a term of two years and four for a term of three years, and each trustee shall hold office until his successor is appointed.

(3a) Where a vacancy occurs for any reason in the office Vacancies of trustee, the vacancy may be filled by appointment by the body that appointed or elected the trustee whose office is vacant, and a person so appointed shall hold office for the remainder of the term of his predecessor.

(3b) A trustee appointed or elected under subsection 1 is Eligibility  
for re-  
election or  
reappoint-  
ment eligible for reappointment or re-election, as the case may be, but no trustee appointed under clause *d* of

subsection 1 is eligible for reappointment on the expiration of his second consecutive term until at least one year has elapsed from the expiration of such term.

Term of  
office of  
present  
trustees

(2) A trustee holding office on the day upon which this section comes into force continues in office for the remainder of the term for which he was appointed, and for the purposes of subsection 3*b* of section 4, a trustee who holds office on the day that this section comes into force shall be deemed to have taken office for the first time at the date of his first reappointment to office after the termination of the term of office that he holds on the day this section comes into force.

s. 5 (a),  
amended

**3.**—(1) Clause *a* of section 5 of the said Act is amended by adding thereto the following subclause:

(iv) governing the election of trustees to the Board by the membership of the Gallery under clause *b* of subsection 1 of section 4.

s. 5 (c),  
re-enacted

(2) Clause *c* of the said section 5 is repealed and the following substituted therefor:

(c) appoint, promote, transfer or remove such officers, clerks and servants as it considers necessary from time to time for the proper conduct of the affairs of the Gallery and may delegate all or a part of the authority for so doing to the Director.

s. 5 (h),  
amended

(3) Clause *h* of the said section 5 is amended by striking out "having objects similar to those of the Gallery" in the second line and inserting in lieu thereof "to promote the objects of the Gallery".

s. 6,  
re-enacted

**4.** Section 6 of the said Act is repealed and the following substituted therefor:

Fiscal  
year

6. The fiscal year of the Gallery commencing the 1st day of July, 1972, shall end the 31st day of March, 1973 and thereafter the fiscal year of the Gallery shall extend from the 1st day of April of any year to the 31st day of March of the year next following.

s. 8a,  
enacted

**5.** The said Act is amended by adding thereto the following section:

Conflict  
R.S.O. 1970,  
c. 89

8a. In the event of a conflict between any provision of this Act and any provision of *The Corporations Act*, the provision of this Act prevails.

6. Section 9 of the said Act is repealed and the following <sup>s. 9, re-enacted</sup> substituted therefor:

9. The real and personal property vested in the Gallery <sup>Tax exemption</sup> and any lands and premises leased to and occupied by the Gallery are not liable to taxation for municipal or school purposes so long as they are actually used and occupied for the purposes of the Gallery.

7. Section 14 of the said Act is repealed and the following <sup>s. 14, re-enacted</sup> substituted therefor:

14. The Board shall appoint one or more auditors <sup>Auditors R.S.O. 1970, c. 373</sup> licensed under *The Public Accountancy Act* to audit the accounts and transactions of the Gallery at least once a year.

8. Section 15 of the said Act is repealed and the following <sup>s. 15, re-enacted</sup> substituted therefor:

15.—(1) The Board shall submit to the Minister of Colleges <sup>Annual report, etc.</sup> and Universities an annual report and such other reports as he may request from time to time.

(2) The Minister of Colleges and Universities shall sub-<sup>Tabling</sup>mit the annual report to the Lieutenant Governor in Council and shall then lay such report before the Assembly if it is in session or, if not, at the next ensuing session.

9. The said Act is amended by adding thereto the following <sup>s. 17, enacted</sup> section:

17. Notwithstanding section 16 and the condition <sup>Conveyance of lands to Toronto authorized</sup> attached to a deed dated the 17th day of February, 1911, registered in the Registry Office for the Registry Division of Toronto as No. 23798S between Goldwin Larratt Smith, of the City of Toronto, Solicitor, surviving Executor and Trustee of the Last Will and Testament of Harriette Elizabeth Mann Smith, deceased, and James Frederick Smith and the said Goldwin Larratt Smith, of the same place, Solicitors, Executors and Trustees of the Last Will and Testament of Goldwin Smith, deceased, and the Art Museum of Toronto, the Gallery may convey, release, quit claim or otherwise dispose of to The Corporation of the City of Toronto the lands set forth in the Schedule.

Commence- ment	<b>10.</b> —(1) This Act, except section 4, comes into force on the day it receives Royal Assent.
Idem	(2) Section 4 comes into force on the 1st day of July, 1972.
Short title	<b>11.</b> This Act may be cited as <i>The Art Gallery of Ontario Amendment Act, 1972</i> .

## SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto, in the Municipality of Metropolitan Toronto (formerly in the County of York) and Province of Ontario being composed of:

*Firstly:* Part of Park Lot 13 in the First Concession from the Bay, in the original Township of York but now in the said City of Toronto, the said parcel of land being designated as Part 7 on a plan of survey deposited in the Registry Office for the Registry Division of Toronto as 63R-357.

*Secondly:* Part of Park Lots 13 and 14 in the First Concession from the Bay, in the original Township of York but now in the said City of Toronto, the said parcels of land being designated as Parts 13 and 14 on said plan of survey deposited in the Registry Office for the Registry Division of Toronto as 63R-357.

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An Act to amend  
The Art Gallery of Ontario Act

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*1st Reading*

May 11th, 1972

*2nd Reading*

June 13th, 1972

*3rd Reading*

June 13th, 1972

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THE HON. G. A. KERR  
Minister of Colleges and Universities

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## BILL 121

## Private Member's Bill

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2ND SESSION, 29TH LEGISLATURE, ONTARIO . (1/6/72)  
21 ELIZABETH II, 1972 ~~(1/6/72)~~

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**An Act to provide for the Control of Eavesdropping**

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MR. SHULMAN

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



#### EXPLANATORY NOTES

The purpose of the Bill is to control wiretapping and all other forms of electronic overhearing of conversations.

Except for periods of time not exceeding forty-eight hours, in cases involving national security or organized crime, no person may engage in "eavesdropping" without a court order.

The Bill provides that a court order may only be granted on the application of the Minister of Justice and Attorney General or a Crown Attorney and specifies the information that must be given to the court on such an application.

BILL 121

1972

## An Act to provide for the Control of Eavesdropping

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "eavesdropping" means wiretapping and all other forms of electronic overhearing of conversations and "eavesdrop" has a corresponding meaning; and
- (b) "wiretapping" means the unauthorized use, interference with or connection to any telephone instrument, wiring or equipment for the purpose of acquiring knowledge of any conversation passing over a telephone line.

**2.** No person shall eavesdrop except under the authority of an order made under this Act.

Order  
required to  
eavesdrop

**3.**—(1) The Minister of Justice and Attorney General or a Crown Attorney may apply *ex parte* to a judge of the Supreme Court for an order authorizing eavesdropping.

Application  
for order

(2) An order granting authority to eavesdrop shall not be made except upon the application of the Minister of Justice and Attorney General or a Crown Attorney.

Who may  
apply for  
order

(3) An order under this Act shall not grant authority to eavesdrop unless the applicant by affidavit discloses to the judge,

Affidavit  
in support  
of applica-  
tion

- (a) the applicant's name and official position;
- (b) the name of the person against whom the eavesdropping will be directed;

- (c) the nature and location of the premises against which the eavesdropping will be directed;
- (d) full particulars of the offence under investigation;
- (e) a description of the type of conversation that the applicant seeks to overhear;
- (f) particulars of any other alternative investigative procedures and the reasons for the applicant's belief that such procedures have not or will not be sufficient;
- (g) the period of time during which the applicant believes the eavesdropping is necessary;
- (h) full particulars of all previous applications under this Act with respect to the person or the place set out in clauses *b* and *c* and the order made by the judge on each of the applications; and
- (i) that the applicant believes that the eavesdropping is necessary in the particular circumstances.

Limitation  
as to time

- (4) An order made under this section shall,
  - (a) limit the time during which the eavesdropping is authorized to a period of not more than thirty days; and
  - (b) terminate the authority to eavesdrop as soon as the conversation set out in clause *e* of subsection 3 is overheard.

Additional  
conversations

(5) Notwithstanding clause *b* of subsection 4, where the judge is satisfied by the information disclosed in the affidavit required by subsection 3 that the applicant has reasonable cause to believe that further conversations of a type similar to that set out in clause *e* of subsection 3 are likely to occur, the order made under this section need not terminate the authority when that conversation is overheard.

Extension  
of time

4.—(1) Where an order is made under section 3, an application may be made to a judge of the Supreme Court for a further order extending the authority to eavesdrop for an additional period of not more than thirty days from the date of the expiration of the authority.

Provisions  
of s. 3  
apply

(2) The provisions of section 3 apply *mutatis mutandis* to an application and an order made under this section.

(3) An order made under this section shall not extend the period of time of the authority to eavesdrop unless the applicant discloses by affidavit to the judge, <sup>Additional information by affidavit</sup>

- (a) the information obtained by the exercise of the authority and the progress of the investigation resulting from the information obtained; and
- (b) the reason why the period of time of the authority under the order made under section 3 was not sufficient.

**5.** On an application under section 4 or section 5, the applicant shall submit by affidavit such additional information as the judge may require. <sup>Judge may require additional information</sup>

**6.—(1)** Where an order is made under section 3 granting authority to eavesdrop, the applicant for the order shall, not later than ninety days after the termination of the authority, serve upon the person named in the application as the person against whom the eavesdropping is directed, notice of the eavesdropping. <sup>Notice</sup>

(2) Where the period of time of the authority to eavesdrop is extended by an order made under section 4, the notice required under subsection 1 shall be served not later than ninety days after the termination of the extension of the authority. <sup>Idem</sup>

- (3) The notice shall set out, <sup>Particulars of notice</sup>
- (a) the name of the person against whom the eavesdropping was directed;
  - (b) the location of the premises against which the eavesdropping was directed;
  - (c) the dates on which the eavesdropping occurred; and
  - (d) the authority under which the eavesdropping occurred.

(4) The notice required by this section shall be in writing and shall be served personally or by registered mail addressed to the person at his residence or place of business and if served by registered mail it shall be deemed to be served on the third day after it is mailed. <sup>Service of notice</sup>

(5) A judge of the Supreme Court may make an order dispensing with the service of the notice required by this section where on an application to the judge the applicant <sup>Dispensing with notice</sup>

discloses by affidavit facts that establish good cause for dispensing with service of the notice.

Recording  
to be made  
available  
to judge

**7.** Upon the expiration of the authority to eavesdrop granted under an order made under section 3 or section 4, as the case may be, the applicant for the order shall forthwith make available to the judge who made the order a copy of the recording of every conversation recorded during the eavesdropping.

Nature of  
offence

R.S.C. 1970,  
c. C-34

**8.** An order made under this Act shall not grant authority to eavesdrop unless the offence under investigation is one that is an indictable offence within the meaning of the *Criminal Code* (Canada) or is an offence that under the law of Canada or Ontario is punishable by imprisonment for more than one year.

Exception  
in the case  
of national  
security or  
organized  
crime

**9.** Notwithstanding any other provision of this Act, where the offence under investigation is likely to endanger the safety, security or defence of Canada or involves the activities of persons organized for criminal purposes, eavesdropping may be directed against any person or place for a period of not more than forty-eight hours without the authority of an order under this Act.

Offence

**10.** Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than two years, or to both.

Commence-  
ment

**11.** This Act comes into force on the day it receives Royal Assent.

Short title

**12.** This Act may be cited as *The Control of Eavesdropping Act, 1972*.



An Act to provide for  
the Control of Eavesdropping

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*1st Reading*

May 11th, 1972

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

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*(Private Member's Bill)*

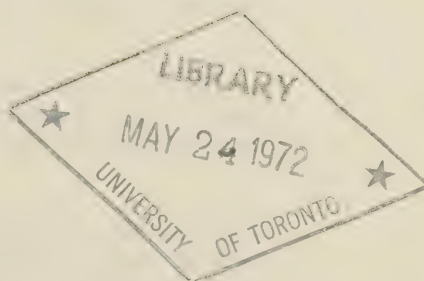
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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to relieve Persons from  
Liability in respect of Voluntary  
Emergency Medical and First Aid Services**

MR. HAGGERTY



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

The purpose of this Bill is to relieve persons from liability in respect of voluntary emergency first aid assistance or medical services rendered at or near the scene of an accident or other sudden emergency.

BILL 122

1972

**An Act to relieve Persons from  
Liability in respect of Voluntary  
Emergency Medical and First Aid Services**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "physician" means a legally qualified medical practitioner;

(b) "registered nurse" means a person who is registered as a nurse under *The Nurses Act*.

R.S.O. 1970,  
c. 301

**2.** Where, in respect of a person who is ill, injured or unconscious as the result of an accident or other sudden emergency,

Relief from  
liability for  
damages

(a) a physician or registered nurse voluntarily and without expectation of compensation or reward renders emergency medical services or first aid assistance and such services or assistance are not rendered at a hospital or other place having adequate medical facilities and equipment; or

(b) a person other than a person mentioned in clause *a* voluntarily renders emergency first aid assistance and such assistance is rendered at the immediate scene of the accident or emergency,

the physician, registered nurse or other person shall not be liable for damages for injuries to or the death of such person alleged to have been caused by an act or omission on his part in rendering the medical services or first aid assistance, unless such acts constitute wilful or wanton misconduct on his part.

**3.** Nothing in section 2 shall be deemed to relieve a physician from liability for damages for injuries to or the death of any

Act does  
not apply  
to normal  
medical  
services

person caused by an act or omission on the part of the physician in respect of medical services rendered by him in the normal and ordinary course of his practice and not under the circumstances set forth in section 2.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Good Samaritan Act, 1972*.









An Act to relieve Persons from Liability in  
respect of Voluntary Emergency Medical  
and First Aid Services

---

*1st Reading*

May 11th, 1972

*2nd Reading*

*3rd Reading*

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MR. HAGGERTY

---

*(Private Member's Bill)*

*Legislative Assembly of Ontario*  
2ND SESSION, 29TH LEGISLATURE, ONTARIO,  
21 ELIZABETH II, 1972

**An Act to amend  
The Ophthalmic Dispensers Act**

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

BILL 123

1972

**An Act to amend  
The Ophthalmic Dispensers Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Ophthalmic Dispensers Act*, being chapter 334 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

21a. Notwithstanding the other provisions of this Act or any other general or special Act, no person shall offer for sale or sell spectacles or eyeglasses having frames made of cellulose nitrate.

**2.** This Act comes into force on the day it receives Royal Assent.

**3.** This Act may be cited as *The Ophthalmic Dispensers Amendment Act, 1972*.

**BILL 123**

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An Act to amend  
The Ophthalmic Dispensers Act

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*1st Reading*

May 12th, 1972

*2nd Reading*

*3rd Reading*

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MR SHULMAN

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(*Private Member's Bill*)

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BILL 124

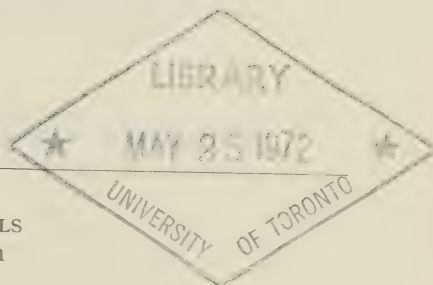
Government Bill

Government  
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Ministry of Education Act**

THE HON. T. L. WELLS  
Minister of Education



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The amendment is to include in the definition of a "private school" a school in which pupils may all be over the compulsory school age so that the provisions regarding registration and inspection will apply to such a school.

SECTION 2. The amendment provides statutory reference to the circulars published by the Minister which contain the lists of approved text-books, reference books and library books.

SECTION 3.—Subsection 1. This amendment is for the purpose of clarification.

Subsection 2. This amendment empowers the Minister to permit a board to appoint or assign to teach a subject or to hold a position a teacher who does not hold the additional certificate required for teaching the subject or for holding the position.

Subsection 3. The amendments permit the Minister,

1. to appoint advisory or consultative committees;
2. to provide for the development and supervision of correspondence courses;
3. to provide equalization factors which were formerly provided by the Department of Municipal Affairs.



## An Act to amend The Ministry of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Ministry of Education Act*, <sup>s. 1 (d),</sup> amended being chapter 111 of the Revised Statutes of Ontario, 1970, is amended by striking out "of compulsory school age, whether or not instruction is also provided for pupils of other ages" in the fourth and fifth lines.

2. Subsection 2 of section 9 of the said Act is amended by <sup>s. 9 (2),</sup> amended adding thereto the following clause:

(*ba*) cause to be published from time to time lists of textbooks, reference books and library books, selected and approved by the Minister pursuant to the regulations, for use in elementary and secondary schools.

3.—(1) Clause *b* of subsection 1 of section 10 of the said <sup>s. 10 (1) (b),</sup> amended Act is amended by striking out "evidence of" in the fourth line and by adding at the end thereof "and may require such evidence thereof as he considers necessary".

(2) Subsection 1 of the said section 10 is amended by adding <sup>s. 10 (1),</sup> amended thereto the following clause:

(*da*) grant to a board a temporary letter of approval <sup>letter of</sup> approval authorizing the board to appoint or assign, for a period not exceeding one year, a teacher to teach a subject or hold a position where the teacher does not hold the additional certificate required for teaching the subject or for holding the position.

(3) Subsection 1 of the said section 10 is further amended by <sup>s. 10 (1),</sup> amended adding thereto the following clauses:

advisory  
body

- (m) appoint such advisory or consultative bodies as may be considered necessary by the Minister from time to time;

corre-  
spondence  
courses

- (n) provide for the development, distribution and supervision by the Ministry of correspondence courses;

equalization  
factor

- (o) provide an assessment equalization factor,

- (i) for each municipality, including, for public and secondary school purposes, any part of territory without municipal organization that is deemed to be attached thereto for such purposes and, for public school purposes, any part of territory without municipal organization that is deemed to be annexed thereto for public school purposes,

- (ii) for each part of territory without municipal organization that is deemed to be a district municipality for the purposes of Part IV of *The Secondary Schools and Boards of Education Act*,

R.S.O. 1970,  
c. 425

- (iii) for each part of territory without municipal organization that is deemed to be a district municipality for the purposes of Part III of *The Separate Schools Act*,

R.S.O. 1970,  
c. 430

- (iv) for each public school section that comprises only territory without municipal organization, and

- (v) for each separate school zone that comprises only territory without municipal organization,

and determine the assessment roll to which each such factor applies and, where such factors are provided, shall provide for publication thereof in *The Ontario Gazette*.

s. 12 (1),  
amended

4.—(1) Subsection 1 of section 12 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 89, section 3, subsections 1 and 2, is further amended by adding thereto the following paragraphs:

recreation  
programs

- 8a. defining and governing programs of recreation, camping, physical education and adult education;

. . . . .

SECTION 4.—Subsection 1. Paragraph *8a* is added to this subsection because of the repeal of subsection 4 and the transfer of community programs to the Ministry of Community and Social Services.

Paragraph *9a* provides for the making of regulations governing the granting of letters of permission.

Subsection 2. The amendment authorizes the fees for duplicates of diplomas and certificates of standing to be prescribed by regulation.

Subsection 3. The amendment provides for the making of regulations in respect of pupil records and in respect of the disposition of the existing records established before such regulations come into force.

Subsection 4. The amendment makes it clear that the power given under this subsection is not subject to the provisions of any other Act.

Subsection 5. The clause is re-enacted to permit regulations to be made for the purpose of legislative grants to prescribe definitions and to provide for the application of such grants.

Subsection 6. The new subsection 4 is to provide that regulations in respect of grants may be made to apply to a previous year.

9a. governing the granting to a board of a letter of per-<sup>letter of</sup>  
mission and a temporary letter of approval. <sup>permission</sup>

(2) Paragraph 19 of subsection 1 of the said section 12 is <sup>s. 12 (1),</sup>  
amended by adding at the end thereof "and prescribing the <sup>par. 19,</sup>  
fees to be paid for duplicates thereof". <sup>amended</sup>

(3) Subsection 1 of the said section 12 is further amended by <sup>s. 12 (1),</sup>  
adding thereto the following paragraphs: <sup>amended</sup>

33a. prescribing the manner in which records in respect <sup>pupil</sup>  
of pupils of elementary and secondary schools shall be <sup>records</sup>  
established and maintained, including the forms to be  
used therefor and the type of information that shall  
be kept and recorded, and providing for the retention,  
transfer and disposal of such records;

33b. providing for the disposition of records established <sup>distribution</sup>  
prior to the 1st day of September, 1972 in respect of <sup>of present</sup>  
pupils. <sup>pupil records</sup>

(4) Subsection 3 of the said section 12 is amended by <sup>s. 12 (3),</sup>  
striking out "to the provisions of any statute in that behalf <sup>amended</sup>  
and" in the first line.

(5) Clause *c* of subsection 3 of the said section 12 is repealed <sup>s. 12 (3) (c),</sup>  
and the following substituted therefor: <sup>re-enacted</sup>

(c) for the purposes of legislative grants,

(i) defining any word or expression,

(ii) requiring the approval of the Minister to any  
amount of money or rate determined by the  
application of any word or expression defined,

(iii) prescribing the portions of any expenditure  
to which such grants apply, and

(iv) respecting the application of any part of such  
grants.

(6) The said section 12, as amended by the Statutes of <sup>s. 12,</sup>  
Ontario, 1971, chapter 89, section 3, subsections 1 and 2, <sup>amended</sup>  
and the Statutes of Ontario, 1972, chapter 1, section 61,  
subsections 5 and 6, is further amended by adding thereto the  
following subsection:

(4) A regulation made in any year under clause *a*, *b* or *c* <sup>Application</sup>  
of subsection 3 may be made to apply in its operation <sup>to previous</sup>  
to a previous year. <sup>year</sup>

s. 12,  
amended

(7) The said section 12 is further amended by adding thereto the following subsection:

Metropolitan  
Toronto  
School  
Board

(5) A regulation made under this section may be made to apply to The Metropolitan Toronto School Board.

s. 14,  
repealed

5. Section 14 of the said Act is repealed.

s. 17,  
re-enacted;  
s. 18,  
repealed

6. Sections 17 and 18 of the said Act are repealed and the following substituted therefor:

Teacher  
education

17.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may,

(a) establish, maintain and conduct a college for the professional education of teachers and may enter into arrangements with a board for the use of any of its elementary or secondary schools for practice teaching purposes and for the services of teachers in any of its elementary or secondary schools as lecturers or instructors in the college;

(b) enter into an agreement with a university, a college of a university or a college to provide for the professional education of teachers by the university or college, upon such terms and conditions as the Minister and the university or college may agree upon.

Agreements  
re practice  
teaching,  
etc.

(2) Where a university, a college of a university or a college has entered into an agreement with the Minister under clause *b* of subsection 1, a board may permit one or more of its elementary or secondary schools to be used for practice teaching purposes and may provide for the services of any of its teachers as lecturers or instructors in such university or college under such terms and conditions as may be agreed upon between the board and the university or college.

Cost of  
teacher  
education

(3) The cost of the establishment, maintenance and conduct of a college referred to in clause *a* of subsection 1 shall be payable out of moneys appropriated therefor by the Legislature.

Idem

(4) The cost of providing the professional education of teachers by a university, a college of a university or a college under an agreement referred to in clause *b* of subsection 1 shall be payable out of moneys appropriated therefor by the Legislature.



Subsection 7. The new subsection 5 makes it clear that a regulation may be made to apply to The Metropolitan Toronto School Board.

SECTION 5. This section is no longer required as the provincial technical institutes and the provincial polytechnical institutes have all been incorporated with colleges of applied arts and technology.

SECTION 6. This amendment is to permit the provision of professional education of both elementary and secondary school teachers under an agreement with a college or a university or a college, as well as under an agreement with a university, and to provide that the cost of the professional education of teachers under such an agreement be payable out of moneys appropriated for university purposes.



SECTION 7. The amendment provides for the inspection of private schools in respect of the secondary school honour graduation diploma as well as for the secondary school graduation diploma.

**7.** Subsection 7 of section 20 of the said Act is repealed and <sup>s. 20 (7),</sup> the following substituted therefor: <sup>re-enacted</sup>

- (7) The Minister may, on the request of any person <sup>Inspection</sup> operating a private school, provide for inspection of <sup>on request</sup> the school in respect of the standard of instruction in the subjects of grades 11 and 12 leading to the secondary school graduation diploma and in the subjects of grade 13 leading to the secondary school honour graduation diploma, and may determine and charge a fee for such inspection.

**8.**—(1) This Act, except subsection 3 of section 3 and <sup>Commence-</sup> subsections 4 and 7 of section 4, comes into force on the <sup>ment</sup> day it receives Royal Assent.

(2) Subsection 3 of section 3 and subsections 4 and 7 of <sup>Idem</sup> section 4 shall be deemed to have come into force on the 1st day of January, 1972.

**9.** This Act may be cited as *The Ministry of Education* <sup>Short title</sup> *Amendment Act, 1972.*

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An Act to amend  
The Ministry of Education Act

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*1st Reading*

May 15th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. T. I. WELLS  
Minister of Education

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*(Government Bill)*

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-B56

**BILL 124**

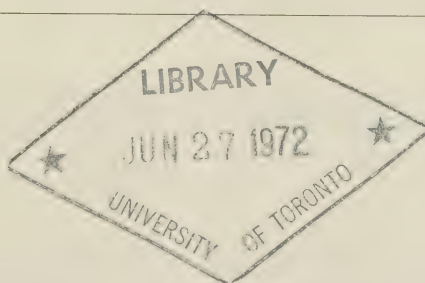
**Government Bill**

Government  
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

## **An Act to amend The Ministry of Education Act**

THE HON. T. L. WELLS  
Minister of Education



*(Reprinted as amended by the Social Development Committee)*

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The amendment is to include in the definition of a "private school" a school in which pupils may all be over the compulsory school age so that the provisions regarding registration and inspection will apply to such a school.

SECTION 2. The amendment provides statutory reference to the circulars published by the Minister which contain the lists of approved text-books, reference books and library books.

SECTION 3.—Subsection 1. This amendment is for the purpose of clarification.

Subsection 2. This amendment empowers the Minister to permit a board to appoint or assign to teach a subject or to hold a position a teacher who does not hold the additional certificate required for teaching the subject or for holding the position.

Subsection 3. The amendments permit the Minister,

1. to appoint advisory or consultative committees;
2. to provide for the development and supervision of correspondence courses;
3. to provide equalization factors which were formerly provided by the Department of Municipal Affairs.

## BILL 124

1972

**An Act to amend The Ministry of Education Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *d* of section 1 of *The Ministry of Education Act*, <sup>s. 1 (d), amended</sup> being chapter 111 of the Revised Statutes of Ontario, 1970, is amended by striking out “of compulsory school age, whether or not instruction is also provided for pupils of other ages” in the fourth and fifth lines.

**2.** Subsection 2 of section 9 of the said Act is amended by <sup>s. 9 (2), amended</sup> adding thereto the following clause:

(*ba*) cause to be published from time to time lists of textbooks, reference books and library books, selected and approved by the Minister pursuant to the regulations, for use in elementary and secondary schools.

**3.**—(1) Clause *b* of subsection 1 of section 10 of the said <sup>s. 10 (1) (b), amended</sup> Act is amended by striking out “evidence of” in the fourth line and by adding at the end thereof “and may require such evidence thereof as he considers necessary”.

(2) Subsection 1 of the said section 10 is amended by adding <sup>s. 10 (1), amended</sup> thereto the following clause:

(*da*) grant to a board a temporary letter of approval <sup>letter of approval</sup> authorizing the board to appoint or assign, for a period not exceeding one year, a teacher to teach a subject or hold a position where the teacher does not hold the additional certificate required for teaching the subject or for holding the position.

(3) Subsection 1 of the said section 10 is further amended by <sup>s. 10 (1), amended</sup> adding thereto the following clauses:

advisory  
body

- (m) appoint such advisory or consultative bodies as may be considered necessary by the Minister from time to time;

corre-  
spondence  
courses

- (n) provide for the development, distribution and supervision by the Ministry of correspondence courses;

equalization  
factor

- (o) provide an assessment equalization factor,

- (i) for each municipality, including, for public and secondary school purposes, any part of territory without municipal organization that is deemed to be attached thereto for such purposes and, for public school purposes, any part of territory without municipal organization that is deemed to be annexed thereto for public school purposes,

- (ii) for each part of territory without municipal organization that is deemed to be a district municipality for the purposes of Part IV of *The Secondary Schools and Boards of Education Act*,

R.S.O. 1970,  
c. 425

- (iii) for each part of territory without municipal organization that is deemed to be a district municipality for the purposes of Part III of *The Separate Schools Act*,

R.S.O. 1970,  
c. 430

- (iv) for each public school section that comprises only territory without municipal organization, and

- (v) for each separate school zone that comprises only territory without municipal organization,

and determine the assessment roll to which each such factor applies and, where such factors are provided, shall provide for publication thereof in *The Ontario Gazette*.

s. 12 (1),  
amended

4.—(1) Subsection 1 of section 12 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 89, section 3, subsections 1 and 2, is further amended by adding thereto the following paragraphs:

recreation  
programs

- 8a. defining and governing programs of recreation, camping, physical education and adult education;

. . . . .



SECTION 4.—Subsection 1. Paragraph 8*a* is added to this subsection because of the repeal of subsection 4 and the transfer of community programs to the Ministry of Community and Social Services.

Paragraph 9*a* provides for the making of regulations governing the granting of letters of permission.

Subsection 2. The amendment authorizes the fees for duplicates of diplomas and certificates of standing to be prescribed by regulation.

Subsection 3. The amendment provides for the making of regulations in respect of pupil records and in respect of the disposition of the existing records established before such regulations come into force and prescribing fees for duplicates of certificates of qualification.

Subsection 4. The clause is re-enacted to permit regulations to be made for the purpose of legislative grants to prescribe definitions and to provide for the application of such grants.

Subsection 5. The new subsection 4 is to provide that regulations in respect of grants may be made to apply to a previous year.

9a. governing the granting to a board of a letter of per-<sup>letter of</sup>  
mission and a temporary letter of approval. <sup>permission</sup>

(2) Paragraph 19 of subsection 1 of the said section 12 is <sup>s. 12 (1),</sup>  
amended by adding at the end thereof “and prescribing the <sup>par. 19,</sup>  
fees to be paid for duplicates thereof” <sup>amended</sup>.

(3) Subsection 1 of the said section 12 is further amended by <sup>s. 12 (1),</sup>  
adding thereto the following paragraphs: <sup>amended</sup>

33a. prescribing the manner in which records in respect <sup>pupil</sup>  
of pupils of elementary and secondary schools shall be <sup>records</sup>  
established and maintained, including the forms to be  
used therefor and the type of information that shall  
be kept and recorded, and providing for the retention,  
transfer and disposal of such records;

33b. providing for the disposition of records established <sup>distribution</sup>  
prior to the 1st day of September, 1972 in respect of <sup>of present</sup>  
pupils. <sup>pupil records</sup>

36a. prescribing the fees to be paid for duplicates of <sup>fees</sup>  
certificates of qualification and letters of standing.

(4) Clause *c* of subsection 3 of the said section 12 is repealed <sup>s. 12 (3) (c),</sup>  
and the following substituted therefor: <sup>re-enacted</sup>

(c) for the purposes of legislative grants,

(i) defining any word or expression,

(ii) requiring the approval of the Minister to any  
amount of money or rate determined by the  
application of any word or expression defined,

(iii) prescribing the portions of any expenditure  
to which such grants apply, and

(iv) respecting the application of any part of such  
grants.

(5) The said section 12, as amended by the Statutes of <sup>s. 12,</sup>  
Ontario, 1971, chapter 89, section 3, subsections 1 and 2, <sup>amended</sup>  
and the Statutes of Ontario, 1972, chapter 1, section 61,  
subsections 5 and 6, is further amended by adding thereto the  
following subsection:

(4) A regulation made in any year under clause *a*, *b* or *c* <sup>Application</sup>  
of subsection 3 may be made to apply in its operation <sup>to previous</sup>  
to a previous year. <sup>year</sup>

s. 12,  
amended

(6) The said section 12 is further amended by adding thereto the following subsection:

Metropolitan  
Toronto  
School  
Board

(5) A regulation made under this section may be made to apply to The Metropolitan Toronto School Board.

s. 14,  
repealed

**5.** Section 14 of the said Act is repealed.

s. 17,  
re-enacted;  
s. 18,  
repealed

**6.** Sections 17 and 18 of the said Act are repealed and the following substituted therefor:

Teacher  
education

17.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may,

(a) establish, maintain and conduct a college for the professional education of teachers and may enter into arrangements with a board for the use of any of its elementary or secondary schools for practice teaching purposes and for the services of teachers in any of its elementary or secondary schools as lecturers or instructors in the college;

(b) enter into an agreement with a university, a college of a university or a college to provide for the professional education of teachers by the university or college, upon such terms and conditions as the Minister and the university or college may agree upon.

Agreements  
re practice  
teaching,  
etc.

(2) Where a university, a college of a university or a college has entered into an agreement with the Minister under clause *b* of subsection 1, a board may permit one or more of its elementary or secondary schools to be used for practice teaching purposes and may provide for the services of any of its teachers as lecturers or instructors in such university or college under such terms and conditions as may be agreed upon between the board and the university or college.

Cost of  
teacher  
education

(3) The cost of the establishment, maintenance and conduct of a college referred to in clause *a* of subsection 1 shall be payable out of moneys appropriated therefor by the Legislature.

Idem

(4) The cost of providing the professional education of teachers by a university, a college of a university or a college under an agreement referred to in clause *b* of subsection 1 shall be payable out of moneys appropriated therefor by the Legislature.

Subsection 6. The new subsection 5 makes it clear that a regulation may be made to apply to The Metropolitan Toronto School Board.

SECTION 5. This section is no longer required as the provincial technical institutes and the provincial polytechnical institutes have all been incorporated with colleges of applied arts and technology.

SECTION 6. This amendment is to permit the provision of professional education of both elementary and secondary school teachers under an agreement with a college of a university or a college, as well as under an agreement with a university, and to provide that the cost of the professional education of teachers under such an agreement be payable out of moneys appropriated for university purposes.

SECTION 7. The amendment provides for the inspection of private schools in respect of the secondary school honour graduation diploma as well as for the secondary school graduation diploma.

**7.** Subsection 7 of section 20 of the said Act is repealed and <sup>s. 20 (7),  
re-enacted</sup> the following substituted therefor:

- (7) The Minister may, on the request of any person <sup>Inspection  
on request</sup> operating a private school, provide for inspection of the school in respect of the standard of instruction in the subjects of grades 11 and 12 leading to the secondary school graduation diploma and in the subjects of grade 13 leading to the secondary school honour graduation diploma, and may determine and charge a fee for such inspection.

**8.—(1)** This Act, except subsection 3 of section 3 and <sup>Commence-  
ment</sup> subsection 6 of section 4, comes into force on the day it receives Royal Assent.

(2) Subsection 3 of section 3 and subsection 6 of section 4 shall <sup>Idem</sup> be deemed to have come into force on the 1st day of January, 1972.

**9.** This Act may be cited as *The Ministry of Education* <sup>Short title</sup> *Amendment Act, 1972*.



An Act to amend  
The Ministry of Education Act

*1st Reading*

May 15th, 1972

*2nd Reading*

May 25th, 1972

*3rd Reading*

THE HON. T. L. WELLS  
Minister of Education

(Reprinted as amended by the  
Social Development Committee)

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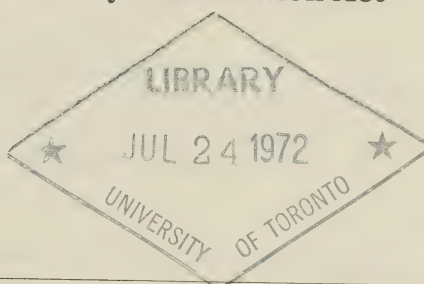
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**BILL 124**

Government  
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Ministry of Education Act**



THE HON. T. L. WELLS  
Minister of Education

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER



## BILL 124

1972

**An Act to amend The Ministry of Education Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Ministry of Education Act*,<sup>s. 1 (d),  
amended</sup> being chapter 111 of the Revised Statutes of Ontario, 1970, is amended by striking out "of compulsory school age, whether or not instruction is also provided for pupils of other ages" in the fourth and fifth lines.

2. Subsection 2 of section 9 of the said Act is amended by<sup>s. 9 (2),  
amended</sup> adding thereto the following clause:

(*ba*) cause to be published from time to time lists of text-books, reference books and library books, selected and approved by the Minister pursuant to the regulations, for use in elementary and secondary schools.

3.—(1) Clause *b* of subsection 1 of section 10 of the said<sup>s. 10 (1) (b),  
amended</sup> Act is amended by striking out "evidence of" in the fourth line and by adding at the end thereof "and may require such evidence thereof as he considers necessary".

(2) Subsection 1 of the said section 10 is amended by adding<sup>s. 10 (1),  
amended</sup> thereto the following clause:

(*da*) grant to a board a temporary letter of approval<sup>letter of  
approval</sup> authorizing the board to appoint or assign, for a period not exceeding one year, a teacher to teach a subject or hold a position where the teacher does not hold the additional certificate required for teaching the subject or for holding the position.

(3) Subsection 1 of the said section 10 is further amended by<sup>s. 10 (1),  
amended</sup> adding thereto the following clauses:

advisory  
body

- (m) appoint such advisory or consultative bodies as may be considered necessary by the Minister from time to time;

corre-  
spondence  
courses

- (n) provide for the development, distribution and supervision by the Ministry of correspondence courses;

equalization  
factor

- (o) provide an assessment equalization factor,

- (i) for each municipality, including, for public and secondary school purposes, any part of territory without municipal organization that is deemed to be attached thereto for such purposes and, for public school purposes, any part of territory without municipal organization that is deemed to be annexed thereto for public school purposes,

- (ii) for each part of territory without municipal organization that is deemed to be a district municipality for the purposes of Part IV of *The Secondary Schools and Boards of Education Act*,

R.S.O. 1970,  
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- (iii) for each part of territory without municipal organization that is deemed to be a district municipality for the purposes of Part III of *The Separate Schools Act*,

R.S.O. 1970,  
c. 430

- (iv) for each public school section that comprises only territory without municipal organization, and

- (v) for each separate school zone that comprises only territory without municipal organization,

and determine the assessment roll to which each such factor applies and, where such factors are provided, shall provide for publication thereof in *The Ontario Gazette*.

s. 12 (1),  
amended

4.—(1) Subsection 1 of section 12 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 89, section 3, subsections 1 and 2, is further amended by adding thereto the following paragraphs:

recreation  
programs

- 8a. defining and governing programs of recreation, camping, physical education and adult education;

. . . . .

9a. governing the granting to a board of a letter of per-<sup>letter of</sup>  
mission and a temporary letter of approval. <sup>permission</sup>

(2) Paragraph 19 of subsection 1 of the said section 12 is <sup>s. 12 (1),</sup>  
amended by adding at the end thereof "and prescribing the <sup>par. 19,</sup>  
fees to be paid for duplicates thereof". <sup>amended</sup>

(3) Subsection 1 of the said section 12 is further amended by <sup>s. 12 (1),</sup>  
adding thereto the following paragraphs: <sup>amended</sup>

33a. prescribing the manner in which records in respect <sup>pupil</sup>  
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pupils. <sup>pupil records</sup>

36a. prescribing the fees to be paid for duplicates of <sup>fees</sup>  
certificates of qualification and letters of standing.

(4) Clause *c* of subsection 3 of the said section 12 is repealed <sup>s. 12 (3) (c),</sup>  
and the following substituted therefor: <sup>re-enacted</sup>

(c) for the purposes of legislative grants,

(i) defining any word or expression,

(ii) requiring the approval of the Minister to any  
amount of money or rate determined by the  
application of any word or expression defined,

(iii) prescribing the portions of any expenditure  
to which such grants apply, and

(iv) respecting the application of any part of such  
grants.

(5) The said section 12, as amended by the Statutes of <sup>s. 12,</sup>  
Ontario, 1971, chapter 89, section 3, subsections 1 and 2, <sup>amended</sup>  
and the Statutes of Ontario, 1972, chapter 1, section 61,  
subsections 5 and 6, is further amended by adding thereto the  
following subsection:

(4) A regulation made in any year under clause *a*, *b* or *c* <sup>Application</sup>  
of subsection 3 may be made to apply in its operation <sup>to previous</sup>  
to a previous year. <sup>year</sup>



s. 12,  
amended

(6) The said section 12 is further amended by adding thereto the following subsection:

Metropolitan  
Toronto  
School  
Board

(5) A regulation made under this section may be made to apply to The Metropolitan Toronto School Board.

s. 14,  
repealed

5. Section 14 of the said Act is repealed.

s. 17,  
re-enacted;  
s. 18,  
repealed

6. Sections 17 and 18 of the said Act are repealed and the following substituted therefor:

Teacher  
education

17.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may,

(a) establish, maintain and conduct a college for the professional education of teachers and may enter into arrangements with a board for the use of any of its elementary or secondary schools for practice teaching purposes and for the services of teachers in any of its elementary or secondary schools as lecturers or instructors in the college;

(b) enter into an agreement with a university, a college of a university or a college to provide for the professional education of teachers by the university or college, upon such terms and conditions as the Minister and the university or college may agree upon.

Agreements  
re practice  
teaching,  
etc.

(2) Where a university, a college of a university or a college has entered into an agreement with the Minister under clause *b* of subsection 1, a board may permit one or more of its elementary or secondary schools to be used for practice teaching purposes and may provide for the services of any of its teachers as lecturers or instructors in such university or college under such terms and conditions as may be agreed upon between the board and the university or college.

Cost of  
teacher  
education

(3) The cost of the establishment, maintenance and conduct of a college referred to in clause *a* of subsection 1 shall be payable out of moneys appropriated therefor by the Legislature.

Idem

(4) The cost of providing the professional education of teachers by a university, a college of a university or a college under an agreement referred to in clause *b* of subsection 1 shall be payable out of moneys appropriated therefor by the Legislature.



7. Subsection 7 of section 20 of the said Act is repealed and <sup>s. 20 (7), re-enacted</sup> the following substituted therefor:

- (7) The Minister may, on the request of any person <sup>Inspection on request</sup> operating a private school, provide for inspection of the school in respect of the standard of instruction in the subjects of grades 11 and 12 leading to the secondary school graduation diploma and in the subjects of grade 13 leading to the secondary school honour graduation diploma, and may determine and charge a fee for such inspection.

8.—(1) This Act, except subsection 3 of section 3 and <sup>Commence-</sup> subsection 6 of section 4, comes into force on the day it receives <sup>ment</sup> Royal Assent.

(2) Subsection 3 of section 3 and subsection 6 of section 4 shall <sup>Idem</sup> be deemed to have come into force on the 1st day of January, 1972.

9. This Act may be cited as *The Ministry of Education* <sup>Short title</sup> *Amendment Act, 1972.*

An Act to amend  
The Ministry of Education Act

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*1st Reading*

May 15th, 1972

*2nd Reading*

May 25th, 1972

*3rd Reading*

June 21st, 1972

---

THE HON. T. L. WELLS  
Minister of Education

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

## An Act to amend The Public Schools Act

THE HON. T. L. WELLS  
Minister of Education



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. Elector is redefined in relation to *The Municipal Elections Act, 1972*.

SECTION 2. The amendments are to conform to *The Municipal Elections Act, 1972*.

SECTION 3. The amendment removes the provision for staggered elections of a school board in an urban municipality that is not in a school division.

BILL 125

1972

## An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Public Schools Act*, being<sup>s. 1 (b), re-enacted</sup> chapter 385 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(b) "elector" in respect of a school section means a public school elector under *The Municipal Elections Act, 1972* who is qualified to vote at an election of public school trustees in such school section.

2.—(1) Subsection 1 of section 13 of the said Act, as<sup>s. 13 (1), amended</sup> amended by the Statutes of Ontario, 1971, chapter 98, section 4, schedule, paragraph 27, is further amended by adding "and" at the end of clause *b* and by striking out clauses *c* and *d* and inserting in lieu thereof the following:

(c) is an elector resident in the school section.

(2) Clause *a* of subsection 2 of the said section 13 is<sup>s. 13 (2) (a), amended</sup> amended by striking out "day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting" in the eleventh, twelfth and thirteenth lines and inserting in lieu thereof "last day for filing nominations for a new election unless before the closing of nominations".

(3) Subsection 2 of the said section 13 is amended by<sup>s. 13 (2), amended</sup> striking out "or" at the end of clause *d*, by adding "or" at the end of clause *c* and by striking out clause *e*.

(4) Subsections 4 and 5 of the said section 13 are repealed.<sup>s. 13 (4, 5), repealed</sup>

3. Subsection 1 of section 16 of the said Act is amended<sup>s. 16 (1), amended</sup> by striking out "with one-half of the trustees retiring each year" in the third and fourth lines.

s. 17 (1),  
amended

**4.** Subsection 1 of section 17 of the said Act is amended by striking out “one of whom shall retire each year” in the third line.

s. 19 (1),  
repealed

**5.** Subsection 1 of section 19 of the said Act is repealed.

s. 20,  
re-enacted

**6.** Section 20 of the said Act is repealed and the following substituted therefor:

Electors  
in school  
section

20. A person is entitled to vote at the election of trustees in a school section if he is an elector in respect of such school section.

s. 21,  
re-enacted

**7.** Section 21 of the said Act is repealed and the following substituted therefor:

Elections

21. The election of members of the board of an urban municipality shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality under *The Municipal Elections Act, 1972*.

s. 22 (2, 3),  
re-enacted

**8.** Subsections 2 and 3 of section 22 of the said Act are repealed and the following substituted therefor:

Idem

(2) Subject to subsection 3, where a vacancy occurs from any cause in an urban school board or a township school area board and the remaining trustees do not constitute a majority of the membership of the board, a new election shall be held to fill the vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected.

Idem

(3) In the case of an urban school board or a township school area board,

(a) any vacancy that occurs within one month of the time for the next ensuing election shall not be filled in the manner provided by subsection 1 or 2, but the office shall remain vacant until the election; and

(b) any vacancy that occurs after the election but before the new board is organized shall be filled immediately after the new board is organized in the manner provided in subsection 1 or 2, as the case may be.

Election  
to fill  
vacancy

(3a) Notwithstanding subsections 1, 2 and 3, the board of an urban school section may by resolution require

SECTION 4. The amendment removes the provision for staggered elections of trustees of a school board in an urban municipality divided into wards that is not in a school division.

SECTION 5. Complementary to section 3.

SECTION 6. This amendment makes the qualifications for voting for public school trustees in an urban school section the same as those for voting for the members to represent the public school electors on a divisional board of education.

SECTION 7. The section is re-enacted to make the provisions of *The Municipal Elections Act, 1972* apply to an election of an urban public school board.

SECTION 8. The amendments are to delete provisions respecting staggered elections and to permit an urban board to fill vacancies by election.



SECTION 9 The provisions of *The Municipal Elections Act, 1972* render these sections unnecessary.

SECTION 10. The amendment provides that a by-law for altering a school section is valid notwithstanding any defect in form unless an application to quash is made within thirty days of approval of the Minister.

SECTION 11. Section 27, as re-enacted, places the trustees of every board of a township school area on a two-year term beginning with elections in 1972.

SECTION 12. The amendment provides for the manner in which moneys raised in a municipality where there is no public school board may be used when the municipality comes within the jurisdiction of a board.

that an election be held to fill a vacancy on the board and, where an election is held, the provisions of *The Municipal Elections Act, 1972* that pertain<sup>1972, c. ...</sup> to an election to fill a vacancy shall apply.

**9.** Sections 23 and 24 of the said Act are repealed.<sup>ss. 23, 24, repealed</sup>

**10.** Section 26 of the said Act, as re-enacted by the<sup>s. 26, amended</sup> Statutes of Ontario, 1971, chapter 69, section 2, is amended by adding thereto the following subsection:

- (7) A by-law of a municipality for altering a school<sup>Quashing of by-law</sup> section is valid and binding, notwithstanding any defect in substance or form or in the manner or time of passing or making, unless an application to quash the by-law has been made within thirty days after the clerk of the municipality has received notice from the Minister that he has approved the by-law.

**11.** Section 27 of the said Act is repealed and the following<sup>s. 27, re-enacted</sup> substituted therefor:

- 27.—(1) There shall be a board of five public school<sup>Township School Area Board</sup> trustees for every township school area.
- (2) The election of trustees for a township school area,<sup>Election of trustees</sup> except a township school area formed under section 29, shall be by ballot in accordance with section 21.
- (3) The term of office of all trustees of a township school<sup>Biennial elections</sup> area now in office shall expire at the end of the year 1972 and elections for all trustees of a township school area shall be held in the year 1972 and in every second year thereafter, and trustees shall hold office for a term of two years.

**12.** Section 49 of the said Act is amended by adding<sup>s. 49, amended</sup> thereto the following subsections:

- (2) The moneys raised under subsection 1 shall be<sup>Reserve account</sup> deposited in a reserve account for public school purposes and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and<sup>R.S.O. 1970, c. 470</sup> the earnings from such investments shall form part of the reserve account.
- (3) Subject to subsection 4, where, in a municipality<sup>Use of moneys in account</sup> referred to in subsection 1, a public school board is organized and makes provision for the education of its resident pupils, the municipal council shall pay

over to the board such moneys as are held by the municipality under this section, and such moneys,

- (a) shall be used for such expenditures for permanent improvements for public school purposes as the board considers expedient; and
- (b) in any one year, may be used to defray not more than one-third of the amount that would otherwise be required to be requisitioned by the board for public school purposes from such municipality.

Application  
in a school  
division

- (4) Where a municipality referred to in subsection 1 becomes part of a school division, the municipal council shall pay over to the divisional board such moneys as are held by the municipality and such moneys shall be used as provided in clause *b* of subsection 3.

s. 50,  
re-enacted

**13.** Section 50 of the said Act is repealed and the following substituted therefor:

Reserve fund  
for public  
school  
purposes,  
application  
in 1973

- 50.—(1) Moneys that are held by a municipality as of the 31st day of December, 1972 and were derived from the Ontario Municipalities Fund or from any other source for public school purposes, except the collection of rates, shall be applied by the municipality in the year 1973 to reduce the rate that would otherwise be required to be levied for public school purposes in the municipality.

Area municipi-  
palities in  
Niagara  
Region

R.S.O. 1970,  
c. 406

- (2) Where an area municipality, as defined in *The Regional Municipality of Niagara Act* holds moneys referred to in subsection 1, such moneys shall be applied by the area municipality in the year 1973 to reduce the rate that would otherwise be required to be levied for public school purposes in the part of the area municipality that, on the 31st day of December, 1969, was a municipality that held such moneys, and where there is more than one such part in the area municipality, the moneys shall be applied by the area municipality in respect of each such part in the ratio in which the moneys were held by the former municipalities.

Where part  
of municipi-  
pality  
detached

- (3) Where, on the 31st day of December, 1972, a municipality holds moneys referred to in subsection 1 and a portion of such municipality is, on the 1st day of January, 1973, detached therefrom, such moneys shall be apportioned by the clerk of such

SECTION 13. The amendment provides for the use in 1973 of the moneys held by a municipality for school purposes from any source other than rates.

SECTION 14. This amendment provides that the expenditure for permanent improvements together with any allocation to a reserve fund shall not exceed one mill on equalized assessment rateable for public school purposes.

municipality between the detached portion and the remainder of the municipality in the ratio that the assessment of the property rateable for public school purposes on which taxes were levied in 1972 in the detached portion bears to such assessment in the remainder of the municipality and the amount so apportioned to the portion detached and the remainder of the municipality shall be applied to reduce the rates that would otherwise be required to be levied for public school purposes in 1973 in the detached portion and in the remainder, and the amount of money apportioned to the detached portion shall, before the 31st day of January, 1973, be paid over to the municipality of which the detached portion becomes a part.

**14.** Subclause iv of clause *b* of subsection 1 of section 51 of the said Act is repealed and the following substituted therefor: <sup>s. 51 (1) (b) (iv), re-enacted</sup>

- (iv) may provide for expenditures for permanent improvements and for an allocation to a reserve fund, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii and vii of paragraph 18 of subsection 2 of section 1 of *The Schools Administration Act*, together with any sum allocated to a reserve fund, shall not exceed a sum calculated in the manner provided for public school purposes in respect of a divisional board of education in clause *d* of subsection 1 of section 31 of *The Secondary Schools and Boards of Education Act*. <sup>R.S.O. 1970. cc. 424, 425</sup>

**15.**—(1) This Act, except sections 13 and 14, comes into force on the day it receives Royal Assent. <sup>Commence-ment</sup>

(2) Sections 13 and 14 come into force on the 1st day of January, 1973. <sup>Idem</sup>

**16.** This Act may be cited as *The Public Schools Amendment Act, 1972*. <sup>Short title</sup>

**BILL 125**

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An Act to amend  
The Public Schools Act

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*1st Reading*

May 15th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Education

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*(Government Bill)*



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**BILL 125**

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Public Schools Act**

THE HON. T. L. WELLS  
Minister of Education

TORONTO

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## BILL 125

1972

## An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Public Schools Act*, being <sup>s. 1 (b),</sup> chapter 385 of the Revised Statutes of Ontario, 1970, is <sup>re-enacted</sup> repealed and the following substituted therefor:

(b) "elector" in respect of a school section means a public school elector under *The Municipal Elections Act, 1972* who is qualified to vote at an election of public school trustees in such school section. <sup>1972, c. ...</sup>

2.—(1) Subsection 1 of section 13 of the said Act, as <sup>s. 13 (1),</sup> amended by the Statutes of Ontario, 1971, chapter 98, section 4, schedule, paragraph 27, is further amended by adding "and" at the end of clause *b* and by striking out clauses *c* and *d* and inserting in lieu thereof the following:

(c) is an elector resident in the school section.

(2) Clause *a* of subsection 2 of the said section 13 is <sup>s. 13 (2) (a),</sup> amended by striking out "day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting" in the eleventh, twelfth and thirteenth lines and inserting in lieu thereof "last day for filing nominations for a new election unless before the closing of nominations". <sup>amended</sup>

(3) Subsection 2 of the said section 13 is amended by <sup>s. 13 (2),</sup> striking out "or" at the end of clause *d*, by adding "or" at <sup>amended</sup> the end of clause *c* and by striking out clause *e*.

(4) Subsections 4 and 5 of the said section 13 are repealed. <sup>s. 13 (4, 5),</sup> <sup>repealed</sup>

3. Subsection 1 of section 16 of the said Act is amended <sup>s. 16 (1),</sup> by striking out "with one-half of the trustees retiring each <sup>amended</sup> year" in the third and fourth lines.

s. 17 (1),  
amended

**4.** Subsection 1 of section 17 of the said Act is amended by striking out “one of whom shall retire each year” in the third line.

s. 19 (1),  
repealed

**5.** Subsection 1 of section 19 of the said Act is repealed.

s. 20,  
re-enacted

**6.** Section 20 of the said Act is repealed and the following substituted therefor:

Electors  
in school  
section

20. A person is entitled to vote at the election of trustees in a school section if he is an elector in respect of such school section.

s. 21,  
re-enacted

**7.** Section 21 of the said Act is repealed and the following substituted therefor:

Elections

21. The election of members of the board of an urban municipality shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality under *The Municipal Elections Act, 1972*.

s. 22 (2, 3),  
re-enacted

**8.** Subsections 2 and 3 of section 22 of the said Act are repealed and the following substituted therefor:

Idem

(2) Subject to subsection 3, where a vacancy occurs from any cause in an urban school board or a township school area board and the remaining trustees do not constitute a majority of the membership of the board, a new election shall be held to fill the vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected.

Idem

(3) In the case of an urban school board or a township school area board,

(a) any vacancy that occurs within one month of the time for the next ensuing election shall not be filled in the manner provided by subsection 1 or 2, but the office shall remain vacant until the election; and

(b) any vacancy that occurs after the election but before the new board is organized shall be filled immediately after the new board is organized in the manner provided in subsection 1 or 2, as the case may be.

Election  
to fill  
vacancy

(3a) Notwithstanding subsections 1, 2 and 3, the board of an urban school section may by resolution require

that an election be held to fill a vacancy on the board and, where an election is held, the provisions of *The Municipal Elections Act, 1972* that pertain to an election to fill a vacancy shall apply. <sup>1972, c. ...</sup>

**9.** Sections 23 and 24 of the said Act are repealed. <sup>ss. 23, 24,  
repealed</sup>

**10.** Section 26 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 69, section 2, is amended by adding thereto the following subsection: <sup>s. 26,  
amended</sup>

- (7) A by-law of a municipality for altering a school section is valid and binding, notwithstanding any defect in substance or form or in the manner or time of passing or making, unless an application to quash the by-law has been made within thirty days after the clerk of the municipality has received notice from the Minister that he has approved the by-law. <sup>Quashing of  
by-law</sup>

**11.** Section 27 of the said Act is repealed and the following substituted therefor: <sup>s. 27,  
re-enacted</sup>

- 27.—(1) There shall be a board of five public school trustees for every township school area. <sup>Township  
School Area  
Board</sup>
- (2) The election of trustees for a township school area, except a township school area formed under section 29, shall be by ballot in accordance with section 21. <sup>Election of  
trustees</sup>
- (3) The term of office of all trustees of a township school area now in office shall expire at the end of the year 1972 and elections for all trustees of a township school area shall be held in the year 1972 and in every second year thereafter, and trustees shall hold office for a term of two years. <sup>Biennial  
elections</sup>

**12.** Section 49 of the said Act is amended by adding thereto the following subsections: <sup>s. 49,  
amended</sup>

- (2) The moneys raised under subsection 1 shall be deposited in a reserve account for public school purposes and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings from such investments shall form part of the reserve account. <sup>Reserve  
account  
R.S.O. 1970,  
c. 470</sup>
- (3) Subject to subsection 4, where, in a municipality referred to in subsection 1, a public school board is organized and makes provision for the education of its resident pupils, the municipal council shall pay <sup>Use of  
moneys in  
account</sup>



over to the board such moneys as are held by the municipality under this section, and such moneys,

- (a) shall be used for such expenditures for permanent improvements for public school purposes as the board considers expedient; and
- (b) in any one year, may be used to defray not more than one-third of the amount that would otherwise be required to be requisitioned by the board for public school purposes from such municipality.

Application  
in a school  
division

- (4) Where a municipality referred to in subsection 1 becomes part of a school division, the municipal council shall pay over to the divisional board such moneys as are held by the municipality and such moneys shall be used as provided in clause *b* of subsection 3.

s. 50,  
re-enacted

**13.** Section 50 of the said Act is repealed and the following substituted therefor:

Reserve fund  
for public  
school  
purposes,  
application  
in 1973

- 50.—(1) Moneys that are held by a municipality as of the 31st day of December, 1972 and were derived from the Ontario Municipalities Fund or from any other source for public school purposes, except the collection of rates, shall be applied by the municipality in the year 1973 to reduce the rate that would otherwise be required to be levied for public school purposes in the municipality.

Area municipa-  
lities in  
Niagara  
Region

R.S.O. 1970,  
c. 406

- (2) Where an area municipality, as defined in *The Regional Municipality of Niagara Act* holds moneys referred to in subsection 1, such moneys shall be applied by the area municipality in the year 1973 to reduce the rate that would otherwise be required to be levied for public school purposes in the part of the area municipality that, on the 31st day of December, 1969, was a municipality that held such moneys, and where there is more than one such part in the area municipality, the moneys shall be applied by the area municipality in respect of each such part in the ratio in which the moneys were held by the former municipalities.

Where part  
of municipa-  
lity  
detached

- (3) Where, on the 31st day of December, 1972, a municipality holds moneys referred to in subsection 1 and a portion of such municipality is, on the 1st day of January, 1973, detached therefrom, such moneys shall be apportioned by the clerk of such

municipality between the detached portion and the remainder of the municipality in the ratio that the assessment of the property rateable for public school purposes on which taxes were levied in 1972 in the detached portion bears to such assessment in the remainder of the municipality and the amount so apportioned to the portion detached and the remainder of the municipality shall be applied to reduce the rates that would otherwise be required to be levied for public school purposes in 1973 in the detached portion and in the remainder, and the amount of money apportioned to the detached portion shall, before the 31st day of January, 1973, be paid over to the municipality of which the detached portion becomes a part.

**14.** Subclause iv of clause *b* of subsection 1 of section 51 of the said Act is repealed and the following substituted therefor: <sup>s. 51 (1) (b) (iv), re-enacted</sup>

- (iv) may provide for expenditures for permanent improvements and for an allocation to a reserve fund, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii and vii of paragraph 18 of subsection 2 of section 1 of *The Schools Administration Act*, together with any sum allocated to a reserve fund, shall not exceed a sum calculated in the manner provided for public school purposes in respect of a divisional board of education in clause *d* of subsection 1 of section 31 of *The Secondary Schools and Boards of Education Act*. <sup>R.S.O. 1970, cc. 424, 425</sup>

**15.**—(1) This Act, except sections 13 and 14, comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

(2) Sections 13 and 14 come into force on the 1st day of January, 1973. <sup>Idem</sup>

**16.** This Act may be cited as *The Public Schools Amendment Act, 1972*. <sup>Short title</sup>



An Act to amend  
The Public Schools Act

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*1st Reading*

May 15th, 1972

*2nd Reading*

May 25th, 1972

*3rd Reading*

June 21st, 1972

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THE HON. T. L. WELLS  
Minister of Education

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Government  
Publications

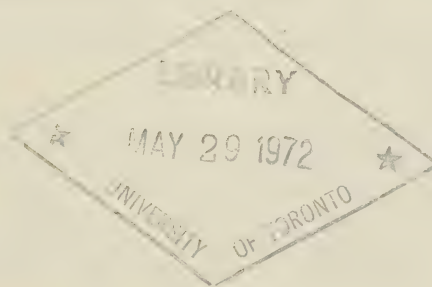
**BILL 126**

**Government Bill**

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend  
The Secondary Schools and Boards of Education Act**

THE HON. T. L. WELLS  
Minister of Education



#### EXPLANATORY NOTES

SECTION 1. The amendment will make a person who resides in the same secondary school district as his parent or guardian a resident pupil whether or not he resides with his parent or guardian.

SECTION 2. The amendments provide that the qualifications and disqualifications of a member of a secondary school board are the same as those for a divisional board of education and brings the provisions in line with *The Municipal Elections Act, 1972*.

SECTION 3. The amendment is complementary to an amendment to section 27 defining locality.

BILL 126

1972

## An Act to amend The Secondary Schools and Boards of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Secondary Schools and Boards of Education Act*, being chapter 425 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

- (a) if he and his parent or guardian reside in the secondary school district; or

2.—(1) Subsection 1 of section 5 of the said Act, as amended <sup>s. 5 (1),  
amended</sup> by the Statutes of Ontario, 1971, chapter 98, section 4, schedule, paragraph 29, is further amended by adding “and” at the end of clause *b* and by striking out clauses *c* and *d* and inserting in lieu thereof the following:

- (c) who is an elector resident in the secondary school district.

(2) Clause *a* of subsection 2 of the said section 5 is amended <sup>s. 5 (2) (a),  
amended</sup> by striking out “day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting” in the eleventh, twelfth and thirteenth lines and inserting in lieu thereof “last day for filing nominations for a new election unless before the closing of nominations”.

(3) Subsection 2 of the said section 5 is amended by adding <sup>s. 5 (2),  
amended</sup> “or” at the end of clause *b*, by striking out “or” at the end of clause *c* and by striking out clause *d*.

- (4) Subsections 4 and 5 of the said section 5 are repealed. <sup>s. 5 (4, 5),  
repealed</sup>

3. Subsection 1 of section 9 of the said Act is repealed and <sup>s. 9 (1),  
re-enacted</sup> the following substituted therefor:

Secondary  
school  
property  
vested in  
board

- (1) All property heretofore granted or devised to, acquired by or vested in any person or corporation for the secondary school purposes of a secondary school district or any part thereof, or that may hereafter be so granted, devised, acquired or vested, is vested in the board having jurisdiction in the secondary school district.

s. 13,  
re-enacted;  
ss. 14-18,  
repealed

4. Sections 13, 14, 15, 16, 17 and 18 of the said Act are repealed and the following substituted therefor:

Advisory  
committee

- 13.—(1) A secondary school board that provides or plans to provide a vocational course may, by resolution, appoint an advisory committee to be known as the advisory committee for.....  
(*inserting the name of the vocational course*) and composed of such persons, all or any of whom may be members of the board, appointed for such term, not extending beyond the term of office of the members of the board, as the board considers necessary to advise the board on matters relating to the vocational course.

Honorarium

- (2) A secondary school board may pay to each person appointed under subsection 1 who is not a member of the board such honorarium as the board may determine for each month for which he is appointed, but such honorarium shall not exceed one-half of the amount determined under subsection 1 of section 40 of *The Schools Administration Act* based on the enrolment on the 30th day of September in the preceding year in all secondary schools that, on the 1st day of January of the current year, are operated by the board.

R.S.O. 1970,  
c. 424

s. 24 (3),  
amended

5. Subsection 3 of section 24 of the said Act is amended by inserting after "disqualified" in the third line "during the term of office for which he was elected or appointed".

s. 27 (1),  
amended

6.—(1) Subsection 1 of section 27 of the said Act is amended by adding thereto the following clause:

(*fa*) "locality" means a part of territory without municipal organization that is deemed to be a district municipality under subsection 4.

s. 27 (1) (*g*, *i*),  
re-enacted

(2) Clauses *g* and *i* of subsection 1 of the said section 27 are repealed and the following substituted therefor:

(*g*) "public school elector", in respect of an area for which one or more members of a divisional board are

SECTION 4. The amendment substitutes for the present mandatory standing advisory vocational committee permission for a secondary school board to appoint a temporary committee to advise the board in respect of a vocational course.

SECTION 5. The subsection is amended to make it clear that the exception applies only during the term of office for which the member was elected or appointed prior to January 1st, 1970.

SECTION 6.—Subsection 1. A definition of locality is provided.

Subsection 2. The definitions of public school elector and separate school supporter in relation to school divisions are revised to conform to *The Municipal Elections Act, 1972*.

Subsection 3. The amendment is complementary to amendments to *The Ministry of Education Act* providing for assessment equalization factors to be determined by the Minister.

Subsection 4. Complementary to *The Municipal Elections Act, 1972*.

SECTION 7. The amendments provide that the limit of one mill on equalized assessment shall apply to the sum of the expenditures for permanent improvements and any amount allocated to a reserve fund. The former approval of the municipal councils that placed an effective limit on such reserve funds has not been required since 1969.



to be elected by public school electors, means a public school elector under *The Municipal Elections Act, 1972* who is qualified to vote at the election for such members in such area ;

. . . . .

- (i) "separate school supporter", in respect of an area for which one or more members of a divisional board are to be elected by separate school supporters, means a separate school elector under *The Municipal Elections Act, 1972* who is qualified to vote at the election of such members in such area.

(3) Subsection 8 of the said section 27, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsection 1, is further amended by striking out "the application of the equalization factor, based on such assessment" in the tenth and eleventh lines and inserting in lieu thereof "the assessment equalization factor applicable thereto". <sup>s. 27 (8), amended</sup>

(4) Subsection 9 of the said section 27 is amended by striking out "the preparation of a voters' list and the election of members of a divisional board under *The Municipal Act* and *The Voters' Lists Act* which apply *mutatis mutandis*" in the ninth, tenth and eleventh lines and inserting in lieu thereof "the election of members of a divisional board under *The Municipal Elections Act, 1972*". <sup>s. 27 (9), amended</sup>

**7.**—(1) Clause *d* of subsection 1 of section 31 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsections 2 and 3, is repealed and the following substituted therefor: <sup>s. 31 (1) (d), re-enacted</sup>

- (d) may provide for expenditures for permanent improvements and for an allocation to a reserve fund, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii and vii of paragraph 18 of subsection 2 of section 1 of *The Schools Administration Act*, together with any sum allocated to a reserve fund, <sup>R.S.O. 1970, c. 424</sup>
- (i) for secondary school purposes, shall not exceed an amount calculated at one mill in the dollar upon the total of the equalized assessments of the municipalities and localities in the school division, and

- (ii) for public school purposes, shall not exceed an amount calculated at one mill in the dollar upon the total of the equalized assessments of the property rateable for public school purposes in the municipalities and localities in the school division.

s. 31,  
amended

(2) The said section 31 is amended by adding thereto the following subsection:

Interpre-  
tation

- (1a) In subsection 1, "equalized assessment" for a municipality or a locality means the assessment upon which taxes are levied in the municipality or locality, as the case may be, in the year preceding the year for which the estimates are adopted as adjusted by the assessment equalization factor applicable thereto that is provided by the Minister.

s. 32 (1),  
re-enacted

**8.**—(1) Subsection 1 of section 32 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsection 4, is repealed and the following substituted therefor:

Interpre-  
tation

- (1) In this section, "equalized assessment" for a municipality or a locality means the assessment upon which taxes are levied in the municipality or locality, as the case may be, in the year preceding the year for which the apportionment is made as adjusted by the assessment equalization factor applicable thereto that is provided by the Minister.

s. 32 (3),  
amended

(2) Subsection 3 of the said section 32 is amended by inserting after "municipalities" in the second line "and localities" and by inserting after "municipality" in the fifth line "or locality".

s. 32 (4),  
amended

(3) Subsection 4 of the said section 32 is amended by inserting after "municipalities" in the second line "and localities" and by inserting after "municipality" in the fifth line "or locality".

s. 32 (7),  
amended

(4) Subsection 7 of the said section 32 is amended by inserting after "county" in the second line "or the regional municipality or, in the case of The Muskoka Board of Education, the treasurer of The District Municipality of Muskoka".

s. 33 (1),  
repealed

**9.**—(1) Subsection 1 of section 33 of the said Act is repealed.

s. 33 (2),  
amended

(2) Subsection 2 of the said section 33 is amended by inserting after "thereof" in the fifth line "and localities".

SECTION 8.—Subsection 1. Equalized assessment is redefined.

Subsections 2 and 3. References to locality are inserted.

Subsection 4. The amendment provides for the treasurer of a regional municipality or of The District Municipality of Muskoka to be one of the arbitrators to determine apportionment.

SECTION 9. Subsection 1 is repealed as being no longer required and the other subsections are amended to make reference to localities.

SECTION 10. The new subsection provides for the clerk of a defined city to determine the number of members of the divisional board to be elected by separate school supporters.

SECTION 11.—Subsections 1, 2 and 3. The definitions are revised and brought up-to-date.

Subsection 4. The amendment is to correct a typographical error.

Subsection 5 and 6. The amendments provide for the use of equalized residential and farm assessment as redefined in subsection 1 of this section of the Bill in making the determinations referred to in subsection 9 of section 38 of the Act.

(3) Subsection 3 of the said section 33 is amended by striking out "passed" in the fourth line and inserting in lieu thereof "made" and by inserting after "thereof" in the fifth line "and localities". <sup>s. 33 (3),  
amended</sup>

(4) Subsection 4 of the said section 33 is amended by striking out "the regulations" in the second line and inserting in lieu thereof "a regulation made under this section" and by inserting after "part" in the third line "thereof or a locality". <sup>s. 33 (4),  
amended</sup>

**10.** Section 37 of the said Act is amended by adding thereto the following subsection: <sup>s. 37,  
amended</sup>

(2a) The clerk of the defined city shall make the determination under subsection 2 and shall send to the secretary of the divisional board, before the 1st day of September in the year of the election of the divisional board, a copy of the determination. <sup>Clerk to  
make deter-  
mination</sup>

**11.**—(1) Clause *a* of subsection 1 of section 38 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsection 5, is repealed and the following substituted therefor: <sup>s. 38 (1) (a),  
re-enacted</sup>

(a) "equalized residential and farm assessment" means the residential and farm assessment referred to in clause *c* as adjusted by the assessment equalization factor applicable thereto that is provided by the Minister.

(2) Clause *b* of subsection 1 of the said section 38 is amended by adding at the end thereof "or under *The Regional Municipal Grants Act* for the purposes of that Act". <sup>s. 38 (1) (b),  
amended</sup>

(3) Clause *c* of subsection 1 of the said section 38 is amended by striking out "4, 5, 6, 12, 13, 14, 22 or 23" in the second line and inserting in lieu thereof "4, 5, 6, 9, 9a, 9b, 11, 12, 13, 14, 16, 22 or 23". <sup>s. 38 (1) (c),  
amended</sup>

(4) Clause *a* of subsection 6 of the said section 38 is amended by striking out "of" where it occurs the first time in the seventh line and inserting in lieu thereof "to". <sup>s. 38 (6) (a),  
amended</sup>

(5) Clause *b* of subsection 9 of the said section 38, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsection 6, is further amended by inserting after "greatest" in the third line "equalized" and by striking out "according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Minister" in the fifth, sixth, seventh and eighth lines and in the amendment of 1972. <sup>s. 38 (9) (b),  
amended</sup>



s. 38 (9) (c),  
amended

(6) Clause *c* of subsection 9 of the said section 38, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsection 7, is further amended by inserting after "greatest" in the third line "equalized" and by striking out "according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Minister" in the fifth, sixth, seventh and eighth lines and in the amendment of 1972.

s. 38,  
amended

(7) The said section 38, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsections 5 to 9, is further amended by adding thereto the following subsections:

Distribution  
of members  
within  
combined  
municipi-  
palities

(9a) Where two or more county municipalities that are not in a regional municipality are combined under subsection 9 for the election of two or more members by the public school electors and one of the combined municipalities has a population in excess of 75,000, the clerks of such combined municipalities may determine that a portion of a county municipality that is so combined be attached to one or more of the other county municipalities in the combination of municipalities for the election of one or two members and, where the clerks of such combined municipalities so determine,

(a) the number of members to be elected by the public school electors of the combined municipalities shall be apportioned among the combined areas formed under this subsection and the remainder, if any, of such combined municipalities, as nearly as is practicable in the proportion that the equalized residential and farm assessment of the property rateable for public school purposes in each such combined area and in the remainder, if any, of such combined municipalities, bears to the total equalized residential and farm assessment of the property rateable for public school purposes in the combined municipalities; and

(b) where the remainder of a county municipality is to be represented by two or more members, subsections 19 and 20 shall apply *mutatis mutandis* in respect of such remainder.

Appeal from  
determina-  
tion under  
subs. 9a

(9b) Where the determination made under subsection 9a apportions to a combined area or to the remainder of the combined municipalities a percentage of the total number of members to be elected by the public school

Subsection 7. The new subsection *9a* permits county municipalities that are combined for the purpose of the election of two or more members by the public school electors to be divided into areas for the election of one or two members in each area. The new subsection *9b* provides for an appeal to the judge by the council of any municipality directly affected by the decision made under subsection *9a* where the division of the combined municipalities is not in proportion to the residential and farm assessment rateable for public school purposes.



Subsection 8. The subsection is amended to make it apply to a determination under the new subsection 9a.

Subsections 9 and 10. The amendments provide for the use of equalized residential and farm assessment as redefined in subsection 1 of this section of the Bill in making the determinations referred to in the amended subsections.

electors of the combined municipalities as determined under subsection 9 that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for public school purposes in the combined area or the remainder of the combined municipalities, as the case may be, is of the total equalized residential and farm assessment of the property rateable for public school purposes in the combined municipalities, the council of a municipality all or part of which is in the combined area or part of which forms such remainder, as the case may be, may, within fifteen days after such determination has been made, appeal the determination to the judge who shall either reapportion the number of members in accordance with clause *a* of subsection 9*a* or, where he determines that the determination was made in accordance with such clause, confirm the determination, and his decision is final.

(8) Subsection 10 of the said section 38, is amended by striking out "Before the 1st day of September in each year in which an election is to be held, the determination under subsection 9 shall be made if" in the first, second and third lines and inserting in lieu thereof "The determination under subsection 9 shall be made before the 1st day of September, and the determination under subsection 9*a* may be made before the 15th day of September, in each year in which an election is to be held if". s. 38 (10),  
amended

(9) Subsection 11 of the said section 38, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsection 8, is repealed and the following substituted therefor: s. 38 (11),  
re-enacted

(11) Where the determination under subsection 9 is not made before the 1st day of September, the clerk of the county municipality or of the organized district municipality, as the case may be, having the greatest equalized residential and farm assessment for public school purposes in the school division, shall refer the matter to the judge who shall make the determination before the 1st day of October in accordance with subsection 12. Where judge  
to make  
deter-  
mination

(10) Subsection 16 of the said section 38, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsection 9, is further amended by inserting after "greatest" in the third line "equalized" and by striking out "according to the last revised assessment roll as adjusted by the application of the equalization factor, based on such assessment, provided by the Minister", in the fifth, sixth and seventh lines and in the amendment of 1972. s. 38 (16),  
amended

s. 38 (21),  
re-enacted

(11) Subsection 21 of the said section 38 is repealed and the following substituted therefor:

Election by  
public school  
electors in  
county and  
district muni-  
cipalities

(21) Where two or more county or district municipalities are combined for the election of one or more members, such member or members shall, except where a determination is made under subsection 9*a*, be elected by a general vote of the public school electors of the combined municipalities, and where, under subsection 9*a* or 9*b*, a portion of a county municipality is attached to one or more other county municipalities for the election of one or two members or the remainder of the combined municipalities comprises parts of two or more municipalities, the number of members apportioned thereto shall be elected by a general vote of the public school electors of such combined area or remainder, and,

(*a*) the nominations in each case shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for public school purposes of any municipality all of which is in the area for which the member or members are to be elected, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

(*b*) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the vote.

s. 38,  
amended

(12) The said section 38 is further amended by adding thereto the following subsection:

Distribution  
of members  
within com-  
bined muni-  
cipalities

(23*a*) Where two or more county municipalities are combined for the election of two or more members to be elected by separate school supporters, subsections 9*a* and 9*b* apply *mutatis mutandis* to such combination of municipalities except that the equalized residential and farm assessments of the property rateable for separate school purposes shall be used in all the determinations.

Subsection 11. The amendment is complementary to the new subsection 9*a*.

Subsection 12. The new subsection provides for the division of combined municipalities into areas for election purposes for the election of members by the separate school supporters and for an appeal against such division in the same manner as is provided in respect of members to be elected by public school electors under the new subsections 9*a* and 9*b*.

Subsection 13. The amendment is complementary to the new subsection 9a.

Subsection 14. The provisions of subsections 27 to 34 are now contained in *The Municipal Elections Act, 1972* and are, therefore, deleted. The new subsection 27 is complementary to such Act.

SECTION 12. The amendment eliminates the disqualification of a member of a board on the grounds of unpaid taxes and otherwise brings the provisions in line with *The Municipal Elections Act, 1972*.

SECTION 13. The repealed sections become unnecessary as similar provisions are included in *The Municipal Elections Act, 1972*.

SECTION 14. The amendment is required to render this section, in respect of the filling of vacancies on a divisional board, consistent with the provisions of *The Municipal Elections Act, 1972*.

SECTION 15. The amendments are for clarification.

SECTION 16. The clauses referring to programs which are no longer available have been deleted. The remaining clauses have been amended to refer to a pupil's status as a resident pupil.

(13) Clause *c* of subsection 25 of the said section 38 is amended by striking out “in the school division, in the county or district municipalities in the school division or in the combined area, as the case may be” in the fourth, fifth, sixth and seventh lines, and inserting in lieu thereof “of any municipality all of which is in the area for which the member or members are to be elected”. s. 38 (25) (c),  
amended

(14) Subsections 27 to 34 of the said section 38 are repealed and the following substituted therefor: s. 38 (27),  
re-enacted;  
s. 38 (28-34),  
repealed

(27) The election of members of a divisional board shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality. Elections

**12.**—(1) Clause *a* of subsection 3 of section 39 of the said Act is amended by striking out “day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting” in the tenth, eleventh and twelfth lines and inserting in lieu thereof “last day for filing nominations for a new election unless before the closing of nominations”. s. 39 (3) (a),  
amended

(2) Subsection 3 of the said section 39 is amended by adding “or” at the end of clause *b*, by striking out “or” at the end of clause *c* and by striking out clause *d*. s. 39 (3),  
amended

**13.** Sections 40 and 41 of the said Act are repealed. ss. 40, 41,  
repealed

**14.** Section 42 of the said Act is amended by adding thereto the following subsection: s. 42,  
amended

(5) Notwithstanding the provisions of this section, a divisional board may require that an election be held to fill a vacancy on the board and, where an election is held, the provisions of *The Municipal Elections Act, 1972* that pertain to an election to fill a vacancy shall apply. Election to  
fill a  
vacancy  
1972, c. ...

**15.**—(1) Subsection 1 of section 44 of the said Act is amended by adding at the end thereof “for a supervisory officer”. s. 44 (1),  
amended

(2) Subsection 2 of the said section 44 is amended by adding at the end thereof “for a supervisory officer”. s. 44 (2),  
amended

**16.**—(1) Clauses *a*, *b*, *c*, *d* and *e* of subsection 2 of section 62 of the said Act are repealed and the following substituted therefor: s. 62 (2) (a, b),  
re-enacted;  
s. 62 (c-e),  
repealed



- (a) that is more accessible to the pupil than any secondary school in the secondary school district of which he is a resident pupil;
- (b) to take, for the purpose of obtaining the secondary school honour graduation diploma, a subject or subjects not available in the secondary school district of which he is a resident pupil but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling.

s. 62 (6),  
amended

(2) Subsection 6 of the said section 62 is amended by striking out “c, d, e” in the first line.

s. 64,  
amended

**17.** Section 64 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 68, section 6, is further amended by adding thereto the following subsection:

Admission  
of adult  
resident  
who is not  
a resident  
pupil

- (2) Notwithstanding any general or special Act, a person who resides in a secondary school district and who, except as to residence, is qualified to be a resident pupil in another secondary school district shall be admitted, without the payment of a fee, to a secondary school operated by the board of the secondary school district in which he resides if,
  - (a) the person has attained the age of eighteen years and has been promoted or transferred to a secondary school; and
  - (b) the appropriate supervisory officer certifies that there is adequate accommodation in the secondary school.

s. 65 (1),  
amended

**18.** Subsection 1 of section 65 of the said Act is amended by striking out “pupil’s parent or guardian” in the fifth line and inserting in lieu thereof “pupil where the pupil has attained the age of eighteen years, or by his parent or guardian where the pupil has not attained the age of eighteen years”.

Commence-  
ment

**19.—**(1) This Act, except sections 1, 4, 7, 8, 9 and 17 comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 17 come into force on the 1st day of September, 1972.

Idem

(3) Sections 4, 7, 8 and 9 come into force on the 1st day of January, 1973.

Short title

**20.** This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1972*.



SECTION 17. The amendment is to permit a resident of Ontario who is eighteen years of age or more to be admitted without the payment of a fee to a secondary school in the secondary school district in which he resides although he is not a resident pupil of such secondary school district.

SECTION 18. The amendment will permit the statement to be signed by the pupil where he has attained the age of eighteen years.





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**BILL 126**

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An Act to amend  
The Secondary Schools and  
Boards of Education Act

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*1st Reading*

May 15th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Education

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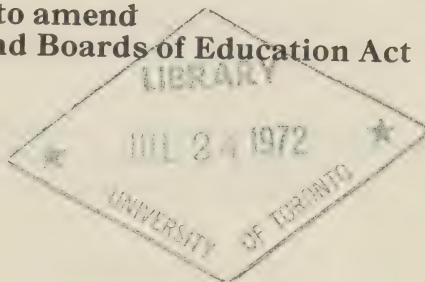
*(Government Bill)*

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**BILL 126**

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972 **IV**

**An Act to amend  
The Secondary Schools and Boards of Education Act**



THE HON. T. L. WELLS  
Minister of Education

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER



BILL 126

1972

## An Act to amend The Secondary Schools and Boards of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Secondary Schools and Boards of Education Act*, being chapter 425 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(a) if he and his parent or guardian reside in the secondary school district; or

2.—(1) Subsection 1 of section 5 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, schedule, paragraph 29, is further amended by adding “and” at the end of clause *b* and by striking out clauses *c* and *d* and inserting in lieu thereof the following:

(c) who is an elector resident in the secondary school district.

(2) Clause *a* of subsection 2 of the said section 5 is amended by striking out “day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting” in the eleventh, twelfth and thirteenth lines and inserting in lieu thereof “last day for filing nominations for a new election unless before the closing of nominations”.

(3) Subsection 2 of the said section 5 is amended by adding “or” at the end of clause *b*, by striking out “or” at the end of clause *c* and by striking out clause *d*.

(4) Subsections 4 and 5 of the said section 5 are repealed.

3. Subsection 1 of section 9 of the said Act is repealed and the following substituted therefor:



Secondary  
school  
property  
vested in  
board

- (1) All property heretofore granted or devised to, acquired by or vested in any person or corporation for the secondary school purposes of a secondary school district or any part thereof, or that may hereafter be so granted, devised, acquired or vested, is vested in the board having jurisdiction in the secondary school district.

s. 13,  
re-enacted;  
ss. 14-18,  
repealed

4. Sections 13, 14, 15, 16, 17 and 18 of the said Act are repealed and the following substituted therefor:

Advisory  
committee

- 13.—(1) A secondary school board that provides or plans to provide a vocational course may, by resolution, appoint an advisory committee to be known as the advisory committee for.....  
(*inserting the name of the vocational course*) and composed of such persons, all or any of whom may be members of the board, appointed for such term, not extending beyond the term of office of the members of the board, as the board considers necessary to advise the board on matters relating to the vocational course.

Honorarium

- (2) A secondary school board may pay to each person appointed under subsection 1 who is not a member of the board such honorarium as the board may determine for each month for which he is appointed, but such honorarium shall not exceed one-half of the amount determined under subsection 1 of section 40 of *The Schools Administration Act* based on the enrolment on the 30th day of September in the preceding year in all secondary schools that, on the 1st day of January of the current year, are operated by the board.

R.S.O. 1970,  
c. 424

s. 24 (3),  
amended

5. Subsection 3 of section 24 of the said Act is amended by inserting after "disqualified" in the third line "during the term of office for which he was elected or appointed".

s. 27 (1),  
amended

6.—(1) Subsection 1 of section 27 of the said Act is amended by adding thereto the following clause:

(*fa*) "locality" means a part of territory without municipal organization that is deemed to be a district municipality under subsection 4.

s. 27 (1) (*g*, *i*),  
re-enacted

(2) Clauses *g* and *i* of subsection 1 of the said section 27 are repealed and the following substituted therefor:

(*g*) "public school elector", in respect of an area for which one or more members of a divisional board are

to be elected by public school electors, means a public school elector under *The Municipal Elections Act, 1972*, c. ... who is qualified to vote at the election for such members in such area ;

- (i) "separate school supporter", in respect of an area for which one or more members of a divisional board are to be elected by separate school supporters, means a separate school elector under *The Municipal Elections Act, 1972* who is qualified to vote at the election of such members in such area.

(3) Subsection 8 of the said section 27, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsection 1, is further amended by striking out "the application of the equalization factor, based on such assessment" in the tenth and eleventh lines and inserting in lieu thereof "the assessment equalization factor applicable thereto". <sup>s. 27 (8), amended</sup>

(4) Subsection 9 of the said section 27 is amended by striking out "the preparation of a voters' list and the election of members of a divisional board under *The Municipal Act* and *The Voters' Lists Act* which apply *mutatis mutandis*" in the ninth, tenth and eleventh lines and inserting in lieu thereof "the election of members of a divisional board under *The Municipal Elections Act, 1972*". <sup>s. 27 (9), amended</sup>

7.—(1) Clause *d* of subsection 1 of section 31 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsections 2 and 3, is repealed and the following substituted therefor: <sup>s. 31 (1) (d), re-enacted</sup>

- (*d*) may provide for expenditures for permanent improvements and for an allocation to a reserve fund, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii and vii of paragraph 18 of subsection 2 of section 1 of *The Schools Administration Act*, together with any sum allocated to a reserve fund, <sup>R.S.O. 1970, c. 424</sup>
- (i) for secondary school purposes, shall not exceed an amount calculated at one mill in the dollar upon the total of the equalized assessments of the municipalities and localities in the school division, and

- (ii) for public school purposes, shall not exceed an amount calculated at one mill in the dollar upon the total of the equalized assessments of the property rateable for public school purposes in the municipalities and localities in the school division.

s. 31,  
amended

(2) The said section 31 is amended by adding thereto the following subsection:

Interpre-  
tation

- (1a) In subsection 1, "equalized assessment" for a municipality or a locality means the assessment upon which taxes are levied in the municipality or locality, as the case may be, in the year preceding the year for which the estimates are adopted as adjusted by the assessment equalization factor applicable thereto that is provided by the Minister.

s. 32 (1),  
re-enacted

**8.**—(1) Subsection 1 of section 32 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsection 4, is repealed and the following substituted therefor:

Interpre-  
tation

- (1) In this section, "equalized assessment" for a municipality or a locality means the assessment upon which taxes are levied in the municipality or locality, as the case may be, in the year preceding the year for which the apportionment is made as adjusted by the assessment equalization factor applicable thereto that is provided by the Minister.

s. 32 (3),  
amended

(2) Subsection 3 of the said section 32 is amended by inserting after "municipalities" in the second line "and localities" and by inserting after "municipality" in the fifth line "or locality".

s. 32 (4),  
amended

(3) Subsection 4 of the said section 32 is amended by inserting after "municipalities" in the second line "and localities" and by inserting after "municipality" in the fifth line "or locality".

s. 32 (7),  
amended

(4) Subsection 7 of the said section 32 is amended by inserting after "county" in the second line "or the regional municipality or, in the case of The Muskoka Board of Education, the treasurer of The District Municipality of Muskoka".

s. 33 (1),  
repealed

**9.**—(1) Subsection 1 of section 33 of the said Act is repealed.

s. 33 (2),  
amended

(2) Subsection 2 of the said section 33 is amended by inserting after "thereof" in the fifth line "and localities".

(3) Subsection 3 of the said section 33 is amended by striking out “passed” in the fourth line and inserting in lieu thereof “made” and by inserting after “thereof” in the fifth line “and localities”.

(4) Subsection 4 of the said section 33 is amended by striking out “the regulations” in the second line and inserting in lieu thereof “a regulation made under this section” and by inserting after “part” in the third line “thereof or a locality”.

**10.** Section 37 of the said Act is amended by adding thereto the following subsection:

(2a) The clerk of the defined city shall make the determination under subsection 2 and shall send to the secretary of the divisional board, before the 1st day of September in the year of the election of the divisional board, a copy of the determination.

**11.**—(1) Clause *a* of subsection 1 of section 38 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsection 5, is repealed and the following substituted therefor:

(a) “equalized residential and farm assessment” means the residential and farm assessment referred to in clause *c* as adjusted by the assessment equalization factor applicable thereto that is provided by the Minister.

(2) Clause *b* of subsection 1 of the said section 38 is amended by adding at the end thereof “or under *The Regional Municipal Grants Act* for the purposes of that Act”.

(3) Clause *c* of subsection 1 of the said section 38 is amended by striking out “4, 5, 6, 12, 13, 14, 22 or 23” in the second line and inserting in lieu thereof “4, 5, 6, 9, 9a, 9b, 11, 12, 13, 14, 16, 22 or 23”.

(4) Clause *a* of subsection 6 of the said section 38 is amended by striking out “of” where it occurs the first time in the seventh line and inserting in lieu thereof “to”.

(5) Clause *b* of subsection 9 of the said section 38, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsection 6, is further amended by inserting after “greatest” in the third line “equalized” and by striking out “according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Minister” in the fifth, sixth, seventh and eighth lines and in the amendment of 1972.



s. 38 (9) (c),  
amended

(6) Clause *c* of subsection 9 of the said section 38, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsection 7, is further amended by inserting after "greatest" in the third line "equalized" and by striking out "according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Minister" in the fifth, sixth, seventh and eighth lines and in the amendment of 1972.

s. 38,  
amended

(7) The said section 38, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsections 5 to 9, is further amended by adding thereto the following subsections:

Distribution  
of members  
within  
combined  
municipi-  
palities

(9a) Where two or more county municipalities that are not in a regional municipality are combined under subsection 9 for the election of two or more members by the public school electors and one of the combined municipalities has a population in excess of 75,000, the clerks of such combined municipalities may determine that a portion of a county municipality that is so combined be attached to one or more of the other county municipalities in the combination of municipalities for the election of one or two members and, where the clerks of such combined municipalities so determine,

(a) the number of members to be elected by the public school electors of the combined municipalities shall be apportioned among the combined areas formed under this subsection and the remainder, if any, of such combined municipalities, as nearly as is practicable in the proportion that the equalized residential and farm assessment of the property rateable for public school purposes in each such combined area and in the remainder, if any, of such combined municipalities, bears to the total equalized residential and farm assessment of the property rateable for public school purposes in the combined municipalities; and

(b) where the remainder of a county municipality is to be represented by two or more members, subsections 19 and 20 shall apply *mutatis mutandis* in respect of such remainder.

Appeal from  
determina-  
tion under  
subs. 9a

(9b) Where the determination made under subsection 9a apportions to a combined area or to the remainder of the combined municipalities a percentage of the total number of members to be elected by the public school

electors of the combined municipalities as determined under subsection 9 that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for public school purposes in the combined area or the remainder of the combined municipalities, as the case may be, is of the total equalized residential and farm assessment of the property rateable for public school purposes in the combined municipalities, the council of a municipality all or part of which is in the combined area or part of which forms such remainder, as the case may be, may, within fifteen days after such determination has been made, appeal the determination to the judge who shall either re-apportion the number of members in accordance with clause *a* of subsection 9*a* or, where he determines that the determination was made in accordance with such clause, confirm the determination, and his decision is final.

(8) Subsection 10 of the said section 38, is amended by <sup>s. 38 (10),</sup> striking out "Before the 1st day of September in each year in which an election is to be held, the determination under subsection 9 shall be made if" in the first, second and third lines and inserting in lieu thereof "The determination under subsection 9 shall be made before the 1st day of September, and the determination under subsection 9*a* may be made before the 15th day of September, in each year in which an election is to be held if". <sup>amended</sup>

(9) Subsection 11 of the said section 38, as amended by <sup>s. 38 (11),</sup> the Statutes of Ontario, 1972, chapter 1, section 63, subsection 8, is repealed and the following substituted therefor: <sup>re-enacted</sup>

(11) Where the determination under subsection 9 is not made before the 1st day of September, the clerk of the county municipality or of the organized district municipality, as the case may be, having the greatest equalized residential and farm assessment for public school purposes in the school division, shall refer the matter to the judge who shall make the determination before the 1st day of October in accordance with subsection 12. <sup>Where judge to make determination</sup>

(10) Subsection 16 of the said section 38, as amended by the Statutes of Ontario, 1972, chapter 1, section 63, subsection 9, is further amended by inserting after "greatest" in the third line "equalized" and by striking out "according to the last revised assessment roll as adjusted by the application of the equalization factor, based on such assessment, provided by the Minister", in the fifth, sixth and seventh lines and in the amendment of 1972. <sup>s. 38 (16),</sup> <sup>amended</sup>

s. 38 (21),  
re-enacted

(11) Subsection 21 of the said section 38 is repealed and the following substituted therefor:

Election by  
public school  
electors in  
county and  
district muni-  
cipalities

(21) Where two or more county or district municipalities are combined for the election of one or more members, such member or members shall, except where a determination is made under subsection 9a, be elected by a general vote of the public school electors of the combined municipalities, and where, under subsection 9a or 9b, a portion of a county municipality is attached to one or more other county municipalities for the election of one or two members or the remainder of the combined municipalities comprises parts of two or more municipalities, the number of members apportioned thereto shall be elected by a general vote of the public school electors of such combined area or remainder, and,

(a) the nominations in each case shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for public school purposes of any municipality all of which is in the area for which the member or members are to be elected, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

(b) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause a, who shall prepare the final summary and announce the vote.

s. 38,  
amended

(12) The said section 38 is further amended by adding thereto the following subsection:

Distribution  
of members  
within com-  
bined muni-  
cipalities

(23a) Where two or more county municipalities are combined for the election of two or more members to be elected by separate school supporters, subsections 9a and 9b apply *mutatis mutandis* to such combination of municipalities except that the equalized residential and farm assessments of the property rateable for separate school purposes shall be used in all the determinations.



(13) Clause *c* of subsection 25 of the said section 38 is amended by striking out “in the school division, in the county or district municipalities in the school division or in the combined area, as the case may be” in the fourth, fifth, sixth and seventh lines, and inserting in lieu thereof “of any municipality all of which is in the area for which the member or members are to be elected”. s. 38 (25) (c),  
amended

(14) Subsections 27 to 34 of the said section 38 are repealed and the following substituted therefor: s. 38 (27),  
re-enacted;  
s. 38 (28-34),  
repealed

(27) The election of members of a divisional board shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality. Elections

**12.**—(1) Clause *a* of subsection 3 of section 39 of the said Act is amended by striking out “day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting” in the tenth, eleventh and twelfth lines and inserting in lieu thereof “last day for filing nominations for a new election unless before the closing of nominations”. s. 39 (3) (a),  
amended

(2) Subsection 3 of the said section 39 is amended by adding “or” at the end of clause *b*, by striking out “or” at the end of clause *c* and by striking out clause *d*. s. 39 (3),  
amended

**13.** Sections 40 and 41 of the said Act are repealed. ss. 40, 41,  
repealed

**14.** Section 42 of the said Act is amended by adding thereto the following subsection: s. 42,  
amended

(5) Notwithstanding the provisions of this section, a divisional board may require that an election be held to fill a vacancy on the board and, where an election is held, the provisions of *The Municipal Elections Act, 1972*, c. ... shall apply.

**15.**—(1) Subsection 1 of section 44 of the said Act is amended by adding at the end thereof “for a supervisory officer”. s. 44 (1),  
amended

(2) Subsection 2 of the said section 44 is amended by adding at the end thereof “for a supervisory officer”. s. 44 (2),  
amended

**16.**—(1) Clauses *a*, *b*, *c*, *d* and *e* of subsection 2 of section 62 of the said Act are repealed and the following substituted therefor: s. 62 (2) (a, b),  
re-enacted;  
s. 62 (c-e),  
repealed

- (a) that is more accessible to the pupil than any secondary school in the secondary school district of which he is a resident pupil ;
- (b) to take, for the purpose of obtaining the secondary school honour graduation diploma, a subject or subjects not available in the secondary school district of which he is a resident pupil but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling.

s. 62 (6),  
amended

(2) Subsection 6 of the said section 62 is amended by striking out “c, d, e” in the first line.

s. 64,  
amended

**17.** Section 64 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 68, section 6, is further amended by adding thereto the following subsection:

Admission  
of adult  
resident  
who is not  
a resident  
pupil

- (2) Notwithstanding any general or special Act, a person who resides in a secondary school district and who, except as to residence, is qualified to be a resident pupil in another secondary school district shall be admitted, without the payment of a fee, to a secondary school operated by the board of the secondary school district in which he resides if,
  - (a) the person has attained the age of eighteen years and has been promoted or transferred to a secondary school ; and
  - (b) the appropriate supervisory officer certifies that there is adequate accommodation in the secondary school.

s. 65 (1),  
amended

**18.** Subsection 1 of section 65 of the said Act is amended by striking out “pupil’s parent or guardian” in the fifth line and inserting in lieu thereof “pupil where the pupil has attained the age of eighteen years, or by his parent or guardian where the pupil has not attained the age of eighteen years”.

Commence-  
ment

**19.**—(1) This Act, except sections 1, 4, 7, 8, 9 and 17 comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 17 come into force on the 1st day of September, 1972.

Idem

(3) Sections 4, 7, 8 and 9 come into force on the 1st day of January, 1973.

Short title

**20.** This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1972*.







An Act to amend  
The Secondary Schools and  
Boards of Education Act

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*1st Reading*

May 15th, 1972

*2nd Reading*

May 25th, 1972

*3rd Reading*

June 21st, 1972

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THE HON. T. L. WELLS  
Minister of Education

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Government  
Publications

BILL 127

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

## An Act to amend The Separate Schools Act

THE HON. T. L. WELLS  
Minister of Education



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



#### EXPLANATORY NOTES

SECTION 1. Certain definitions are repealed as they are now included in section 1 of *The Schools Administration Act*.

SECTION 2. The amendment makes it clear that this section applies only to the establishment of a separate school zone whose centre is outside a designated area.

SECTION 3. The amendments are to clarify who is to receive the notice indicating the results of a meeting to establish a separate school.

## An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *b* and *c* of section 17 of *The Separate Schools Act*, being chapter 430 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 1, section 64, subsection 1, are repealed. s. 17 (b, c),  
repealed

(2) Clauses *e* and *h* of the said section 17 are repealed. s. 17 (e, h),  
repealed

2. Section 18 of the said Act is repealed and the following substituted therefor: s. 18,  
re-enacted

18. Not fewer than five heads of families, being Roman Catholics and being householders or freeholders resident within, Meeting to  
establish  
separate  
school

(a) one former school section of a township; or

(b) a city, town or village,

that is not within an area designated by the regulations made under subsection 2 of section 81, may, for the purpose of the election of trustees, convene a public meeting of persons desiring to establish a separate school therein.

3.—(1) Subsection 1 of section 21 of the said Act is repealed and the following substituted therefor: s. 21 (1),  
re-enacted

(1) Notice in writing of the holding of the meeting referred to in section 20 and of the election of trustees shall be delivered by one of the trustees so elected to the clerk of the municipality and to the secretary of the board of public school trustees for the area in which the separate school is about to be established designating by name, occupation and residence each of the persons elected as trustees. Notice of  
meeting and  
election

s. 21 (2),  
amended

(2) Subsection 2 of the said section 21 is amended by striking out “trustees” in the third line and inserting in lieu thereof “trustee”.

s. 22 (1),  
amended

**4.** Subsection 1 of section 22 of the said Act is amended by striking out “In unorganized townships and in any part of Ontario not surveyed into townships” in the first and second lines and inserting in lieu thereof “In territory without municipal organization that is not within an area designated by the regulations made under subsection 2 of section 81”.

s. 34 (15),  
re-enacted

**5.** Subsection 15 of section 34 of the said Act is repealed and the following substituted therefor:

School sites  
for combined  
board

(15) A board of a combined separate school zone may, without the approval of the supporters, acquire a school site that is within the combined separate school zone.

s. 38 (1),  
amended

**6.** Subsection 1 of section 38 of the said Act is amended by striking out “with one-half of the trustees retiring each year” in the third and fourth lines.

s. 39 (1),  
amended

**7.** Subsection 1 of section 39 of the said Act is amended by striking out “one of whom shall retire each year” in the third line and by adding at the end thereof “for a term of two years”.

s. 41,  
repealed

**8.** Section 41 of the said Act is repealed.

s. 44 (4) (b, c),  
repealed

**9.—(1)** Clauses *b* and *c* of subsection 4 of section 44 of the said Act are repealed.

s. 44 (4) (e),  
amended

(2) Clause *e* of subsection 4 of the said section 44 is amended by striking out “*The Municipal Act* with respect to elections, except with respect to the nomination of candidates” in the first, second and third lines and inserting in lieu thereof “*The Municipal Elections Act, 1972*”.

s. 48,  
repealed

**10.** Section 48 of the said Act is repealed.

s. 50 (1) (e),  
repealed

**11.** Clause *e* of subsection 1 of section 50 of the said Act is repealed.

s. 51,  
repealed

**12.** Section 51 of the said Act is repealed.

s. 52,  
amended

**13.** Section 52 of the said Act is amended by adding thereto the following subsection:

Election  
to fill  
vacancy

(6) Notwithstanding the provisions of subsections 3, 4 and 5, an urban separate school board or a combined separate school board that has passed a

SECTION 4. See note to section 2 of this Bill.

SECTION 5. The amendment is to make it clear that the school site may be acquired anywhere in the combined separate school zone but not outside it.

SECTION 6. The amendment is to eliminate staggered elections in urban separate school boards.

SECTION 7. The amendment is to eliminate staggered elections in urban separate school boards.

SECTION 8. The amendment is to eliminate staggered elections in urban separate school boards.

SECTION 9. The amendments are to conform to *The Municipal Elections Act, 1972*.

SECTION 10. This section is no longer required in view of *The Municipal Elections Act, 1972*.

SECTION 11. The provisions for acquiring school sites and building school buildings are now contained in section 61 of *The Schools Administration Act*.

SECTION 12. Complementary to the amendment to section 36 of *The Schools Administration Act* dealing generally with agreements between boards

SECTION 13. The new subsection 6 permits a vacancy to be filled by election.

SECTION 14. The amendment provides for expenditures for permanent improvements and for reserve funds on the same basis as for public schools when separate school rates are collected by a municipal council.

SECTION 15. The amendment makes it clear that the authority of a separate school board to impose and levy school rates is in respect of the estimates adopted by the board.

SECTION 16. Section 72 is no longer appropriate as the investment of sinking fund moneys is now provided for in section 73 (5) and the section of *The Municipal Act* to which section 72 refers has been repealed.

SECTION 17. The amendment provides that the investment of moneys to repay sinking fund debentures is to be in accordance with the provisions of *The Municipal Act* respecting municipal sinking fund debentures.

resolution under section 44 may require that an election be held to fill a vacancy on the board and, where an election is held, the provisions of *The Municipal Elections Act, 1972* that pertain to an election to fill a vacancy shall apply. <sup>1972, c....</sup>

**14.** Section 65 of the said Act is amended by striking out “and” at the end of clause *c*, by adding “and” at the end of clause *d* and by adding thereto the following clause: <sup>s. 65, amended</sup>

(e) may provide for expenditures for permanent improvements and for an allocation to a reserve fund provided that, where separate school rates or taxes are collected by a municipal council, the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii and vii of paragraph 18 of subsection 2 of section 1 of *The Schools Administration Act*, together with any sum allocated to a reserve fund, shall not exceed a sum calculated at one mill in the dollar upon the total equalized assessment of the property rateable for separate school purposes within the area of jurisdiction of the board in the manner provided for public school purposes in respect of a divisional board of education in clause *d* of subsection 1 of section 31 of *The Secondary Schools and Boards of Education Act*, which clause shall apply *mutatis mutandis*. <sup>R.S.O. 1970, cc. 424, 425</sup>

**15.** Subsection 1 of section 66 of the said Act is amended by inserting after “may” in the first line “in respect of the estimates adopted under section 65”. <sup>s. 66 (1), amended</sup>

**16.** Section 72 of the said Act is repealed. <sup>s. 72, repealed</sup>

**17.** Subsection 5 of section 73 of the said Act is repealed and the following substituted therefor: <sup>s. 73 (5), re-enacted</sup>

(5) Where the debt is not payable by instalments, the board shall levy in each year during the currency of the debt in addition to the amount required to pay the interest falling due in such year a sum such that the aggregate amount so levied during the currency of the debt, with the estimated interest on the investments thereof, will be sufficient to discharge the debt when it becomes payable. <sup>Sinking fund</sup>

(5a) The sum referred to in subsection 5 shall be deposited with a chartered bank or a trust company that is registered under *The Loan and Trust Corporations Act*, and such sum and any income resulting therefrom <sup>Investment of fund</sup> <sup>R.S.O. 1970, c. 254</sup>



R.S.O. 1970,  
c. 284

shall be invested by such bank or trust company in the manner provided in *The Municipal Act* for sinking funds, and subsections 4 to 9 of section 291 of *The Municipal Act* apply *mutatis mutandis* except that reference therein to the Ministry of Treasury, Economics and Intergovernmental Affairs shall be deemed to be a reference to the Ministry of Education.

s. 80 (1) (j),  
re-enacted

**18.**—(1) Clause *j* of subsection 1 of section 80 of the said Act is repealed and the following substituted therefor:

1972, c. ....

(j) “separate school supporter” in respect of an area for which one or more trustees of a county or district combined separate school board are to be elected, means a separate school elector under *The Municipal Elections Act, 1972* who is qualified to vote at the election of such trustee or trustees in such area.

s. 80 (4),  
amended

(2) Subsection 4 of the said section 80 is amended by striking out “and the County of York does not include the area municipalities as defined in *The Municipality of Metropolitan Toronto Act*” in the second, third and fourth lines.

s. 80 (7),  
amended

(3) Subsection 7 of the said section 80 is amended by striking out “the preparation of a voters’ list and the election of members of a district combined separate school board under *The Municipal Act* and *The Voters’ Lists Act*, which apply *mutatis mutandis*” in the ninth, tenth, eleventh and twelfth lines and inserting in lieu thereof “the election of members of a district combined separate school board under *The Municipal Elections Act, 1972*”.

s. 81 (3),  
amended

**19.** Subsection 3 of section 81 of the said Act is amended by inserting after “21” in the second line “or 22”.

ss. 81a, 81b,  
enacted

**20.** The said Act is amended by adding thereto the following sections:

Meeting to  
establish  
separate  
school in  
designated  
areas

**81a.**—(1) Not fewer than five heads of families, being Roman Catholics and being householders or freeholders resident within one former school section in an area designated by the regulations made under subsection 2, may convene a public meeting of persons desiring to establish a separate school zone in such section.

Establishment  
of zone

(2) Where such a meeting is held, the persons present,

(a) shall elect a chairman and a secretary for the meeting;



SECTION 18.—Subsection 1. Separate school supporter is redefined in conformity with *The Municipal Elections Act, 1972*.

Subsection 2. The amendment eliminates an old reference to the County of York that is no longer appropriate.

Subsection 3. Complementary to *The Municipal Elections Act, 1972*.

SECTION 19. The amendment is made to add a reference to a separate school zone established in territory without municipal organization.

SECTION 20. Provision is made in section 81*a* for the enlargement of a county or district combined separate school zone by the establishment of a new separate school zone within the designated area.

Section 81*b* permits a county or district combined separate school board to acquire a school site at any location in the designated area and, with the approval of the Minister, at a location outside the designated area.



(b) may pass a motion to establish a new separate school zone, in which case they shall determine the centre of the zone; and

(c) where such a motion is passed and a centre determined, shall require the chairman to send a copy of the motion to,

(i) the Minister,

(ii) the secretary of the county or district combined separate school board,

(iii) the secretary of the divisional board of education affected, and

(iv) the appropriate municipal assessor,

and the zone so established shall forthwith become a part of the county or district combined separate school zone.

(3) Notwithstanding section 18, no trustees shall be elected at the meeting. Trustees not elected at meeting

81b.—(1) Where a school site that is acquired by a county or district combined separate school board is not within the county or district combined separate school zone and the board operates a separate school on such site, a separate school zone having its centre as provided in subsection 2 of section 54 is deemed to have been established under subsection 2 of section 81a on the date on which final approval in respect of the construction or purchase of the school is given by the Minister for purposes of legislative grant. Zone deemed formed

(2) A separate school board under this Part may, with the approval of the Minister, acquire by purchase or lease a school site that is outside the area designated in respect of such board by regulation made under subsection 2 of section 81, and may operate thereon a separate school, but a separate school board shall not expropriate any such site. School outside designated area

(3) Notwithstanding section 54, the operation of a separate school on a school site acquired under subsection 2 does not, *ipso facto*, establish a separate school zone with a centre at such site. Zone not established

s. 85 (2),  
re-enacted

**21.** Subsection 2 of section 85 of the said Act is repealed and the following substituted therefor:

Name of  
county com-  
bined board

- (2) A county combined separate school board that has jurisdiction in an area that includes two or more counties, or one county and a defined city as defined in subsection 1 of section 27 of *The Secondary Schools and Boards of Education Act*, is a corporation by the name of "The..... County Roman Catholic Separate School Board" (*inserting the names of the counties, the name of the city and of the county or a name selected by the board and approved by the Minister*).

R.S.O. 1970,  
c. 425

s. 90 (1) (a),  
re-enacted

**22.**—(1) Clause *a* of subsection 1 of section 90 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 64, subsection 2, is repealed and the following substituted therefor:

- (a) "equalized residential and farm assessment" means the residential and farm assessment referred to in clause *b*, as adjusted by the assessment equalization factor applicable thereto that is provided by the Minister.

s. 90,  
amended

(2) The said section 90 is amended by adding thereto the following subsections:

Distribution  
of members  
within  
combined  
municipalities

- (8a) Where two or more county municipalities that are not in a regional municipality are combined under subsection 8 for the election of two or more trustees and one of the combined municipalities has a population in excess of 75,000, the clerks of such combined municipalities may, before the 15th day of September in any year in which a determination is made under subsection 8, determine that a portion of a county municipality that is so combined be attached to one or more of the other county municipalities in the combination of municipalities for the election of one or two trustees and, where the clerks of such combined municipalities so determine,

- (a) the number of trustees to be elected in the combined municipalities shall be apportioned among the combined areas formed under this subsection and the remainder, if any, of the county municipality, as nearly as is practicable in the proportion that the equalized residential and farm assessment of the prop-

SECTION 21. The amendment permits the name of a defined city to be included in the corporate name of a county combined separate school board.

SECTION 22.—Subsection 1. The definition is amended for clarification and to refer to the equalization factor provided by the Minister.

Subsection 2. The new subsection 8*a* permits municipalities combined for the election of two or more trustees to be divided into areas for the election of one or more trustees in each such area. The new subsection 8*b* provides for an appeal to the judge by the council of a municipality directly affected where the division of the combined municipalities under subsection 8*a* is not in proportion to the residential and farm assessment rateable for separate school purposes.

Subsection 3. The amendment is for clarification.

Subsection 4. Complementary to the new subsections 8*a* and 8*b*.

erty rateable for separate school purposes in each such combined area and in the remainder, if any, of the county municipality, bears to the total equalized residential and farm assessment of the property rateable for separate school purposes in the combined municipalities; and

- (b) where the remainder of the county municipality is to be represented by two or more trustees, subsections 17 and 18 shall apply *mutatis mutandis* in respect of such remainder.

- (8b) Where the determination made under subsection 8<sup>Appeal from determination under subs. 8a</sup> apportions to a combined area or to the remainder of a county municipality a percentage of the total number of trustees to be elected in the combined municipalities as determined under subsection 8 that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for separate school purposes in the combined area or in the remainder of the county municipality, as the case may be, is of the total equalized residential and farm assessment of the property rateable for separate school purposes in the combined municipalities, the council of a municipality all or part of which is in the combined area or part of which forms such remainder, as the case may be, may, within fifteen days after notice of such determination has been sent, appeal the determination to the judge who shall either reapportion the number of trustees in accordance with clause *a* of subsection 8<sup>a</sup> or, where he determines that the determination was made in accordance with such clause, confirm the determination, and his decision is final.

- (3) Subsection 10 of the said section 90 as amended by <sup>s. 90 (10), amended</sup> inserting after "the" where it occurs the second time in the fifth line "county".

- (4) Subsection 19 of the said section 90 is repealed and <sup>s. 90 (19), re-enacted</sup> the following substituted therefor:

- (19) Where two or more county or district municipalities <sup>Elections in combined areas</sup> are combined for the election of one or more trustees, such trustee or trustees shall, except where a determination is made under subsection 8<sup>a</sup>, be elected by a general vote of the separate school supporters of the combined municipalities, and where, under sub-



section 8a or 8b, a portion of a county municipality is attached to one or more other county municipalities for the election of one or two trustees, such trustee or trustees shall be elected by a general vote of the separate school supporters of such combined area, and

(a) the nominations in each case shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for separate school purposes of any municipality all of which is in the area for which the trustee or trustees are to be elected, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

(b) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause a, who shall prepare the final summary and announce the vote.

s. 90 (21),  
re-enacted,  
s. 90 (22-26),  
repealed

(5) Subsections 21 to 26 of the said section 90 are repealed and the following substituted therefor:

Elections

(21) The election of members of a county or district combined separate school board shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality.

s. 91,  
amended

**23.** Section 91 of the said Act is amended by adding thereto the following subsection:

Election  
to fill  
vacancy

1972, c. ....

(6) Notwithstanding subsection 5, a separate school board under this Part may require that an election be held to fill a vacancy on the board and, where an election is held, the provisions of *The Municipal Elections Act, 1972* that pertain to an election to fill a vacancy shall apply.

s. 93 (1),  
amended

**24.—**(1) Subsection 1 of section 93 of the said Act is amended by adding at the end thereof “for a supervisory officer”.

s. 93 (2),  
amended

(2) Subsection 2 of the said section 93 is amended by adding at the end thereof “for a supervisory officer”.

Subsection 5. The provisions in subsections 21 to 26 are now contained in *The Municipal Elections Act, 1972* and are therefore repealed. The new subsection 21 is complementary to the new Act.

SECTION 23. The amendment is to permit a vacancy to be filled by election.

SECTION 24. The amendments are for clarification.



**25.**—(1) This Act, except section 14, comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

(2) Section 14 comes into force on the 1st day of January, 1973. <sup>Idem</sup>

**26.** This Act may be cited as *The Separate Schools Amendment Act, 1972*. <sup>Short title</sup>

An Act to amend  
The Separate Schools Act

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*1st Reading*

May 15th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Education

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*(Government Bill)*

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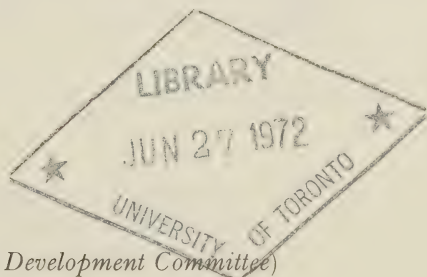
**BILL 127**

Government  
Publication  
Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972 III

**An Act to amend The Separate Schools Act**

THE HON. T. L. WELLS  
Minister of Education



*(Reprinted as amended by the Social Development Committee)*

#### EXPLANATORY NOTES

SECTIONS 1, 16, 17, 18, 19, 20 AND 23. The amendments are required to bring the Act into line with the provisions respecting enumeration in *The Municipal Elections Act, 1972* and *The Assessment Act*.

SECTION 2. Certain definitions are repealed as they are now included in section 1 of *The Schools Administration Act*.

SECTION 3. The amendment makes it clear that this section applies only to the establishment of a separate school zone whose centre is outside a designated area.

SECTION 4. The amendments are to clarify who is to receive the notice indicating the results of a meeting to establish a separate school.



## An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 7 of *The Separate Schools Act*, <sup>s. 7 (4), amended</sup> being chapter 430 of the Revised Statutes of Ontario, 1970, is amended by striking out "assessor" in the first line and inserting in lieu thereof "clerk".

2.—(1) Clauses *b* and *c* of section 17 of the said Act, <sup>s. 17 (b, c), repealed</sup> as re-enacted by the Statutes of Ontario, 1972, chapter 1, section 64, subsection 1, are repealed.

(2) Clauses *e* and *h* of the said section 17 are repealed. <sup>s. 17 (e, h), repealed</sup>

3. Section 18 of the said Act is repealed and the following <sup>s. 18, re-enacted</sup> substituted therefor:

18. Not fewer than five heads of families, being Roman Catholics and being householders or freeholders resident within, <sup>Meeting to establish separate school</sup>

(a) one former school section of a township; or

(b) a city, town or village,

that is not within an area designated by the regulations made under subsection 2 of section 81, may, for the purpose of the election of trustees, convene a public meeting of persons desiring to establish a separate school therein.

4.—(1) Subsection 1 of section 21 of the said Act is <sup>s. 21 (1), re-enacted</sup> repealed and the following substituted therefor:

(1) Notice in writing of the holding of the meeting referred to in section 20 and of the election of trustees shall be delivered by one of the trustees so elected to the clerk of the municipality and to the secretary of the board <sup>Notice of meeting and election</sup>

of public school trustees for the area in which the separate school is about to be established designating by name and residence each of the persons elected as trustees.

s. 21 (2),  
amended

(2) Subsection 2 of the said section 21 is amended by striking out “trustees” in the third line and inserting in lieu thereof “trustee”.

s. 22 (1),  
amended

5. Subsection 1 of section 22 of the said Act is amended by striking out “In unorganized townships and in any part of Ontario not surveyed into townships” in the first and second lines and inserting in lieu thereof “In territory without municipal organization that is not within an area designated by the regulations made under subsection 2 of section 81”.

s. 34 (15),  
re-enacted

6. Subsection 15 of section 34 of the said Act is repealed and the following substituted therefor:

School sites  
for combined  
board

(15) A board of a combined separate school zone may, without the approval of the supporters, acquire a school site that is within the combined separate school zone.

s. 38 (1),  
amended

7. Subsection 1 of section 38 of the said Act is amended by striking out “with one-half of the trustees retiring each year” in the third and fourth lines.

s. 39 (1),  
amended

8. Subsection 1 of section 39 of the said Act is amended by striking out “one of whom shall retire each year” in the third line and by adding at the end thereof “for a term of two years”.

s. 41,  
repealed

9. Section 41 of the said Act is repealed.

s. 44 (4) (b, c),  
repealed

10.—(1) Clauses *b* and *c* of subsection 4 of section 44 of the said Act are repealed.

s. 44 (4) (e),  
amended

(2) Clause *e* of subsection 4 of the said section 44 is amended by striking out “*The Municipal Act* with respect to elections, except with respect to the nomination of candidates” in the first, second and third lines and inserting in lieu thereof “*The Municipal Elections Act, 1972*”.

s. 46a,  
enacted

11. The said Act is amended by adding thereto the following section:

Residents  
other than  
supporters  
entitled to  
vote  
1953, c. 119  
1972, c. ...

46a. Notwithstanding the provisions of this or any other Act including *The Metropolitan Separate School Board Act, 1953*, a Roman Catholic who is not an owner or tenant as defined in *The Municipal Elections Act, 1972* but who,

SECTION 5. See note to section 3 of this Bill.

SECTION 6. The amendment is to make it clear that the school site may be acquired anywhere in the combined separate school zone but not outside it.

SECTION 7. The amendment is to eliminate staggered elections in urban separate school boards.

SECTION 8. The amendment is to eliminate staggered elections in urban separate school boards.

SECTION 9. The amendment is to eliminate staggered elections in urban separate school boards.

SECTION 10. The amendments are to conform to *The Municipal Elections Act, 1972*.

SECTION 11. At present, persons who are separate school supporters and persons who are Roman Catholics and the wives or husbands of such supporters are separate school electors. The new section 46a will permit persons who are Roman Catholics and qualified to vote at elections but are not owners or tenants of land to become separate school electors.

SECTION 12. This section is no longer required in view of *The Municipal Elections Act, 1972*.

SECTION 13. The provisions for acquiring school sites and building school buildings are now contained in section 61 of *The Schools Administration Act*.

SECTION 14. Complementary to the amendment to section 36 of *The Schools Administration Act* dealing generally with agreements between boards

SECTION 15. The new subsection 6 permits a vacancy to be filled by election.



SECTIONS 16, 17, 18, 19 AND 20. See note to section 1.



(a) is a Canadian citizen or other British subject;

(b) is of the full age of eighteen years; and

(c) resides within a separate school zone,

and who wishes to be a separate school elector at an election may cause his name to be entered on the preliminary list of electors of the polling subdivision in which he resides as a separate school elector, and for such purpose is entitled to be enumerated as such and to have entered opposite his name on the preliminary list of electors for the polling subdivision in which he resides that he is a separate school elector and, where the name of such person appears on the polling list, he shall be deemed to be a separate school elector for the purpose of voting at such election.

**12.** Section 48 of the said Act is repealed.

s. 48,  
repealed

**13.** Clause *e* of subsection 1 of section 50 of the said Act is repealed.

s. 50 (1) (e),  
repealed

**14.** Section 51 of the said Act is repealed.

s. 51,  
repealed

**15.** Section 52 of the said Act is amended by adding thereto the following subsection:

s. 52,  
amended

- (6) Notwithstanding the provisions of subsections 3, 4 and 5, an urban separate school board or a combined separate school board that has passed a resolution under section 44 may require that an election be held to fill a vacancy on the board and, where an election is held, the provisions of *The Municipal Elections Act, 1972* that pertain to an election to fill a vacancy shall apply.

Election  
to fill  
vacancy

1972, c....

**16.** Subsection 4 of section 53 of the said Act is repealed and the following substituted therefor:

s. 53 (4),  
re-enacted

- (4) Any person who, if he were resident in a separate school zone, would be entitled to be a supporter of a separate school and who is the owner of unoccupied land situate in the separate school zone, may, on or before the 30th day of September in any year, by written notice to the clerk of the municipality in which the land is situate or, where the land is not in a municipality, to the secretaries of the public and separate school boards, direct that all such land in

Rights of  
non-residents  
to be assessed  
for separate  
school

the separate school zone shall be assessed for the purposes of the separate school.

s. 60 (5),  
amended

**17.** Subsection 5 of section 60 of the said Act is amended by striking out "assessor" in the first line and inserting in lieu thereof "clerk".

s. 61 (1),  
amended

**18.** Subsection 1 of section 61 of the said Act is amended by striking out "assessment roll that through mistake or inadvertence a ratepayer has been entered on the roll" in the second and third lines and inserting in lieu thereof "list supplied to the clerk under section 23 of *The Assessment Act* that through mistake or inadvertence a ratepayer has been entered on the list".

s. 63 (1),  
amended

**19.** Subsection 1 of section 63 of the said Act is amended by striking out "Where land is assessed against both owner and occupant, or the owner and tenant, the occupant or tenant" in the first and second lines and inserting in lieu thereof "The occupant or tenant of land".

s. 64 (2),  
amended

**20.**—(1) Subsection 2 of section 64 of the said Act is amended by striking out "assessor" in the first line and inserting in lieu thereof "clerk" and by striking out "assessment" in the second line and inserting in lieu thereof "collector's".

s. 64 (5),  
amended

(2) Subsection 5 of the said section 64 is amended by striking out "an assessment" in the third and fourth lines and inserting in lieu thereof "a collector's".

s. 64 (6),  
amended

(3) Subsection 6 of the said section 64 is amended by striking out "assessor shall in each year, before the return of the assessment roll" in the first and second lines and inserting in lieu thereof "clerk shall in each year, before the final revision of the list supplied to the clerk under section 23 of *The Assessment Act*".

s. 65,  
amended

**21.** Section 65 of the said Act is amended by striking out "and" at the end of clause *c*, by adding "and" at the end of clause *d* and by adding thereto the following clause:

- (e) may provide for expenditures for permanent improvements and for an allocation to a reserve fund provided that, where separate school rates or taxes are collected by a municipal council, the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii and vii of paragraph 18 of subsection 2 of section 1 of *The Schools Administration Act*, together with any sum allocated to

R.S.O. 1970,  
cc. 424, 425

SECTION 21. The amendment provides for expenditures for permanent improvements and for reserve funds on the same basis as for public schools when separate school rates are collected by a municipal council.



SECTION 22. The amendment makes it clear that the authority of a separate school board to impose and levy school rates is in respect of the estimates adopted by the board.

SECTION 23. See note to section 1.

SECTION 24. Section 72 is no longer appropriate as the investment of sinking fund moneys is now provided for in section 73 (5) and the section of *The Municipal Act* to which section 72 refers has been repealed.

SECTION 25. The amendment provides that the investment of moneys to repay sinking fund debentures is to be in accordance with the provisions of *The Municipal Act* respecting municipal sinking fund debentures.

SECTION 26.—Subsection 1. Separate school supporter is redefined in conformity with *The Municipal Elections Act, 1972*.

a reserve fund, shall not exceed a sum calculated at one mill in the dollar upon the total equalized assessment of the property rateable for separate school purposes within the area of jurisdiction of the board in the manner provided for public school purposes in respect of a divisional board of education in clause *d* of subsection 1 of section 31 of *The Secondary Schools and Boards of Education Act*, which clause shall apply *mutatis mutandis*.

**22.** Subsection 1 of section 66 of the said Act is amended <sup>s. 66 (1), amended</sup> by inserting after "may" in the first line "in respect of the estimates adopted under section 65".

**23.** Section 70 of the said Act is amended by striking out <sup>s. 70, amended</sup> "appearing upon the assessment roll for the current year who have given the notice required by section 53" in the fourth and fifth lines and inserting in lieu thereof "who are separate school supporters".

**24.** Section 72 of the said Act is repealed. <sup>s. 72, repealed</sup>

**25.** Subsection 5 of section 73 of the said Act is repealed <sup>s. 73 (5), re-enacted</sup> and the following substituted therefor:

(5) Where the debt is not payable by instalments, the <sup>Sinking fund</sup> board shall levy in each year during the currency of the debt in addition to the amount required to pay the interest falling due in such year a sum such that the aggregate amount so levied during the currency of the debt, with the estimated interest on the investments thereof, will be sufficient to discharge the debt when it becomes payable.

(5a) The sum referred to in subsection 5 shall be deposited <sup>Investment of fund</sup> with a chartered bank or a trust company that is registered under *The Loan and Trust Corporations Act*, and such sum and any income resulting therefrom shall be invested by such bank or trust company in the manner provided in *The Municipal Act* for sinking funds, and subsections 4 to 9 of section 291 of *The Municipal Act* apply *mutatis mutandis* except that reference therein to the Ministry of Treasury, Economics and Intergovernmental Affairs shall be deemed to be a reference to the Ministry of Education. <sup>R.S.O. 1970, c. 254  
R.S.O. 1970, c. 284</sup>

**26.**—(1) Clause *j* of subsection 1 of section 80 of the said <sup>s. 80 (1) (j), re-enacted</sup> Act is repealed and the following substituted therefor:

(j) "separate school supporter" in respect of an area for which one or more trustees of a county or district

- 1972, c..... combined separate school board are to be elected, means a separate school elector under *The Municipal Elections Act, 1972* who is qualified to vote at the election of such trustee or trustees in such area.
- s. 80 (4), amended (2) Subsection 4 of the said section 80 is amended by striking out "and the County of York does not include the area municipalities as defined in *The Municipality of Metropolitan Toronto Act*" in the second, third and fourth lines.
- s. 80 (7), amended (3) Subsection 7 of the said section 80 is amended by striking out "the preparation of a voters' list and the election of members of a district combined separate school board under *The Municipal Act* and *The Voters' Lists Act*, which apply *mutatis mutandis*" in the ninth, tenth, eleventh and twelfth lines and inserting in lieu thereof "the election of members of a district combined separate school board under *The Municipal Elections Act, 1972*".
- s. 81 (3), amended **27.** Subsection 3 of section 81 of the said Act is amended by inserting after "21" in the second line "or 22".
- ss. 81a, 81b, enacted **28.** The said Act is amended by adding thereto the following sections:
- Meeting to establish separate school in designated areas 81a.—(1) Not fewer than five heads of families, being Roman Catholics and being householders or freeholders resident within one former school section in an area designated by the regulations made under subsection 2 of section 81, may convene a public meeting of persons desiring to establish a separate school zone in such section.
- Establishment of zone (2) Where such a meeting is held, the persons present,
- (a) shall elect a chairman and a secretary for the meeting;
  - (b) may pass a motion to establish a new separate school zone, in which case they shall determine the centre of the zone; and
  - (c) where such a motion is passed and a centre determined, shall require the chairman to send a copy of the motion to,
    - (i) the Minister,
    - (ii) the secretary of the county or district combined separate school board,

Subsection 2. The amendment eliminates an old reference to the County of York that is no longer appropriate.

Subsection 3. Complementary to *The Municipal Elections Act, 1972*.

SECTION 27. The amendment is made to add a reference to a separate school zone established in territory without municipal organization.

SECTION 28. Provision is made in section 81*a* for the enlargement of a county or district combined separate school zone by the establishment of a new separate school zone within the designated area.

Section 81*b* permits a county or district combined separate school board to acquire a school site at any location in the designated area and, with the approval of the Minister, at a location outside the designated area.

SECTION 29. The amendment permits the name of a defined city to be included in the corporate name of a county combined separate school board.

(iii) the secretary of the divisional board of education affected, and

(iv) the appropriate municipal assessor,

and the zone so established shall forthwith become a part of the county or district combined separate school zone.

- (3) Notwithstanding section 18, no trustees shall be Trustees not elected at meeting elected at the meeting.

81b.—(1) Where a school site that is acquired by a county Zone deemed formed or district combined separate school board is not within the county or district combined separate school zone and the board operates a separate school on such site, a separate school zone having its centre as provided in subsection 2 of section 54 is deemed to have been established under subsection 2 of section 81a on the date on which final approval in respect of the construction or purchase of the school is given by the Minister for purposes of legislative grant.

- (2) A separate school board under this Part may, with the approval of the Minister, acquire by purchase or lease a school site that is outside the area designated School outside designated area in respect of such board by regulation made under subsection 2 of section 81, and may operate thereon a separate school, but a separate school board shall not expropriate any such site.

- (3) Notwithstanding section 54, the operation of a Zone not established separate school on a school site acquired under subsection 2 does not, *ipso facto*, establish a separate school zone with a centre at such site.

**29.** Subsection 2 of section 85 of the said Act is repealed s. 85 (2), re-enacted and the following substituted therefor:

- (2) A county combined separate school board that has jurisdiction in an area that includes two or more counties, or one county and a defined city as defined in subsection 1 of section 27 of *The Secondary Schools and Boards of Education Act*, is a corporation by the name of "The . . . . . County Roman Catholic Separate School Board" Name of county combined board (inserting the names of the counties, the name of the city and of the county or a name selected by the board and approved by the Minister). R.S.O. 1970, c. 425



s. 90 (1) (a),  
re-enacted

**30.**—(1) Clause *a* of subsection 1 of section 90 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 64, subsection 2, is repealed and the following substituted therefor:

- (a) “equalized residential and farm assessment” means the residential and farm assessment referred to in clause *b*, as adjusted by the assessment equalization factor applicable thereto that is provided by the Minister.

s. 90,  
amended

(2) The said section 90 is amended by adding thereto the following subsections:

Distribution  
of members  
within  
combined  
municipalities

- (8a) Where two or more county municipalities that are not in a regional municipality are combined under subsection 8 for the election of two or more trustees and one of the combined municipalities has a population in excess of 75,000, the clerks of such combined municipalities may, before the 15th day of September in any year in which a determination is made under subsection 8, determine that a portion of a county municipality that is so combined be attached to one or more of the other county municipalities in the combination of municipalities for the election of one or two trustees and, where the clerks of such combined municipalities so determine,

- (a) the number of trustees to be elected in the combined municipalities shall be apportioned among the combined areas formed under this subsection and the remainder, if any, of the county municipality, as nearly as is practicable in the proportion that the equalized residential and farm assessment of the property rateable for separate school purposes in each such combined area and in the remainder, if any, of the county municipality, bears to the total equalized residential and farm assessment of the property rateable for separate school purposes in the combined municipalities; and

- (b) where the remainder of the county municipality is to be represented by two or more trustees, subsections 17 and 18 shall apply *mutatis mutandis* in respect of such remainder.

Appeal from  
determination  
under subs. 8a

- (8b) Where the determination made under subsection 8a apportions to a combined area or to the remainder



SECTION 30.—Subsection 1. The definition is amended for clarification and to refer to the equalization factor provided by the Minister.

Subsection 2. The new subsection 8*a* permits municipalities combined for the election of two or more trustees to be divided into areas for the election of one or more trustees in each such area. The new subsection 8*b* provides for an appeal to the judge by the council of a municipality directly affected where the division of the combined municipalities under subsection 8*a* is not in proportion to the residential and farm assessment rateable for separate school purposes.

Subsection 3. The amendment is for clarification.

Subsection 4. Complementary to the new subsections *8a* and *8b*.

of a county municipality a percentage of the total number of trustees to be elected in the combined municipalities as determined under subsection 8 that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for separate school purposes in the combined area or in the remainder of the county municipality, as the case may be, is of the total equalized residential and farm assessment of the property rateable for separate school purposes in the combined municipalities, the council of a municipality all or part of which is in the combined area or part of which forms such remainder, as the case may be, may, within fifteen days after notice of such determination has been sent, appeal the determination to the judge who shall either reapportion the number of trustees in accordance with clause *a* of subsection 8*a* or, where he determines that the determination was made in accordance with such clause, confirm the determination, and his decision is final.

(3) Subsection 10 of the said section 90 as amended by <sup>s. 90 (10),  
amended</sup> inserting after "the" where it occurs the second time in the fifth line "county".

(4) Subsection 19 of the said section 90 is repealed and <sup>s. 90 (19),  
re-enacted</sup> the following substituted therefor:

(19) Where two or more county or district municipalities <sup>Elections  
in combined  
areas</sup> are combined for the election of one or more trustees, such trustee or trustees shall, except where a determination is made under subsection 8*a*, be elected by a general vote of the separate school supporters of the combined municipalities, and where, under subsection 8*a* or 8*b*, a portion of a county municipality is attached to one or more other county municipalities for the election of one or two trustees, such trustee or trustees shall be elected by a general vote of the separate school supporters of such combined area, and

(*a*) the nominations in each case shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for separate school purposes of any municipality all of which is in the area for which the trustee or trustees are to be elected, who shall send to the clerk of each municipality concerned, by registered mail

within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

- (b) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the vote.

s. 90 (21),  
re-enacted,  
s. 90 (22-26),  
repealed

(5) Subsections 21 to 26 of the said section 90 are repealed and the following substituted therefor:

Elections

- (21) The election of members of a county or district combined separate school board shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality.

s. 91,  
amended

**31.** Section 91 of the said Act is amended by adding thereto the following subsection:

Election  
to fill  
vacancy

- (6) Notwithstanding subsection 5, a separate school board under this Part may require that an election be held to fill a vacancy on the board and, where an election is held, the provisions of *The Municipal Elections Act, 1972* that pertain to an election to fill a vacancy shall apply.

1972, c. ....

s. 93 (1),  
amended

**32.**—(1) Subsection 1 of section 93 of the said Act is amended by adding at the end thereof “for a supervisory officer”.

s. 93 (2),  
amended

- (2) Subsection 2 of the said section 93 is amended by adding at the end thereof “for a supervisory officer”.

Commence-  
ment

**33.**—(1) This Act, except section 21, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 21 comes into force on the 1st day of January, 1973.

Short title

**34.** This Act may be cited as *The Separate Schools Amendment Act, 1972*.

Subsection 5. The provisions in subsections 21 to 26 are now contained in *The Municipal Elections Act, 1972* and are therefore repealed. The new subsection 21 is complementary to the new Act.

SECTION 31. The amendment is to permit a vacancy to be filled by election.

SECTION 32. The amendments are for clarification.







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An Act to amend  
The Separate Schools Act

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*1st Reading*

May 15th, 1972

*2nd Reading*

May 25th, 1972

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Education

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*(Reprinted as amended by the  
Social Development Committee)*

## BILL 127

Government  
Publications

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

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**An Act to amend The Separate Schools Act**

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THE HON. T. L. WELLS  
Minister of Education

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## An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 7 of *The Separate Schools Act*, s. 7 (4),  
being chapter 430 of the Revised Statutes of Ontario, 1970, is  
amended by striking out "assessor" in the first line and inserting  
in lieu thereof "clerk".  
amended

2.—(1) Clauses *b* and *c* of section 17 of the said Act, s. 17 (*b, c*),  
as re-enacted by the Statutes of Ontario, 1972, chapter 1,  
section 64, subsection 1, are repealed.  
repealed

(2) Clauses *e* and *h* of the said section 17 are repealed.  
s. 17 (*e, h*),  
repealed

3. Section 18 of the said Act is repealed and the following s. 18,  
substituted therefor:  
re-enacted

18. Not fewer than five heads of families, being Roman Catholics and being householders or freeholders resident within, Meeting to  
establish  
separate  
school

(a) one former school section of a township; or

(b) a city, town or village,

that is not within an area designated by the regulations made under subsection 2 of section 81, may, for the purpose of the election of trustees, convene a public meeting of persons desiring to establish a separate school therein.

4.—(1) Subsection 1 of section 21 of the said Act is s. 21 (1),  
repealed and the following substituted therefor:  
re-enacted

(1) Notice in writing of the holding of the meeting referred to in section 20 and of the election of trustees shall be delivered by one of the trustees so elected to the clerk of the municipality and to the secretary of the board Notice of  
meeting and  
election

of public school trustees for the area in which the separate school is about to be established designating by name and residence each of the persons elected as trustees.

s. 21 (2),  
amended

(2) Subsection 2 of the said section 21 is amended by striking out "trustees" in the third line and inserting in lieu thereof "trustee".

s. 22 (1),  
amended

5. Subsection 1 of section 22 of the said Act is amended by striking out "In unorganized townships and in any part of Ontario not surveyed into townships" in the first and second lines and inserting in lieu thereof "In territory without municipal organization that is not within an area designated by the regulations made under subsection 2 of section 81".

s. 34 (15),  
re-enacted

6. Subsection 15 of section 34 of the said Act is repealed and the following substituted therefor:

School sites  
for combined  
board

(15) A board of a combined separate school zone may, without the approval of the supporters, acquire a school site that is within the combined separate school zone.

s. 38 (1),  
amended

7. Subsection 1 of section 38 of the said Act is amended by striking out "with one-half of the trustees retiring each year" in the third and fourth lines.

s. 39 (1),  
amended

8. Subsection 1 of section 39 of the said Act is amended by striking out "one of whom shall retire each year" in the third line and by adding at the end thereof "for a term of two years".

s. 41,  
repealed

9. Section 41 of the said Act is repealed.

s. 44 (4) (b, c),  
repealed

10.—(1) Clauses *b* and *c* of subsection 4 of section 44 of the said Act are repealed.

s. 44 (4) (e),  
amended

(2) Clause *e* of subsection 4 of the said section 44 is amended by striking out "*The Metropolitan Act* with respect to elections, except with respect to the nomination of candidates" in the first, second and third lines and inserting in lieu thereof "*The Municipal Elections Act, 1972*".

s. 46a,  
enacted

11. The said Act is amended by adding thereto the following section:

Residents  
other than  
supporters  
entitled to  
vote  
1953, c. 119  
1972, c. ...

46a. Notwithstanding the provisions of this or any other Act including *The Metropolitan Separate School Board Act, 1953*, a Roman Catholic who is not an owner or tenant as defined in *The Municipal Elections Act, 1972* but who,

- (a) is a Canadian citizen or other British subject ;
- (b) is of the full age of eighteen years ; and
- (c) resides within a separate school zone,

and who wishes to be a separate school elector at an election may cause his name to be entered on the preliminary list of electors of the polling subdivision in which he resides as a separate school elector, and for such purpose is entitled to be enumerated as such and to have entered opposite his name on the preliminary list of electors for the polling subdivision in which he resides that he is a separate school elector and, where the name of such person appears on the polling list, he shall be deemed to be a separate school elector for the purpose of voting at such election.

**12.** Section 48 of the said Act is repealed.

s. 48,  
repealed

**13.** Clause *e* of subsection 1 of section 50 of the said Act is repealed.

s. 50 (1) (e),  
repealed

**14.** Section 51 of the said Act is repealed.

s. 51,  
repealed

**15.** Section 52 of the said Act is amended by adding thereto the following subsection :

s. 52,  
amended

- (6) Notwithstanding the provisions of subsections 3, 4 and 5, an urban separate school board or a combined separate school board that has passed a resolution under section 44 may require that an election be held to fill a vacancy on the board and, where an election is held, the provisions of *The Municipal Elections Act, 1972* that pertain to an election to fill a vacancy shall apply.

Election  
to fill  
vacancy

1972, c....

**16.** Subsection 4 of section 53 of the said Act is repealed and the following substituted therefor :

s. 53 (4),  
re-enacted

- (4) Any person who, if he were resident in a separate school zone, would be entitled to be a supporter of a separate school and who is the owner of unoccupied land situate in the separate school zone, may, on or before the 30th day of September in any year, by written notice to the clerk of the municipality in which the land is situate or, where the land is not in a municipality, to the secretaries of the public and separate school boards, direct that all such land in

Rights of  
non-residents  
to be assessed  
for separate  
school



the separate school zone shall be assessed for the purposes of the separate school.

s. 60 (5),  
amended

**17.** Subsection 5 of section 60 of the said Act is amended by striking out “assessor” in the first line and inserting in lieu thereof “clerk”.

s. 61 (1),  
amended

**18.** Subsection 1 of section 61 of the said Act is amended by striking out “assessment roll that through mistake or inadvertence a ratepayer has been entered on the roll” in the second and third lines and inserting in lieu thereof “list supplied to the clerk under section 23 of *The Assessment Act* that through mistake or inadvertence a ratepayer has been entered on the list”.

s. 63 (1),  
amended

**19.** Subsection 1 of section 63 of the said Act is amended by striking out “Where land is assessed against both owner and occupant, or the owner and tenant, the occupant or tenant” in the first and second lines and inserting in lieu thereof “The occupant or tenant of land”.

s. 64 (2),  
amended

**20.**—(1) Subsection 2 of section 64 of the said Act is amended by striking out “assessor” in the first line and inserting in lieu thereof “clerk” and by striking out “assessment” in the second line and inserting in lieu thereof “collector’s”.

s. 64 (5),  
amended

(2) Subsection 5 of the said section 64 is amended by striking out “an assessment” in the third and fourth lines and inserting in lieu thereof “a collector’s”.

s. 64 (6),  
amended

(3) Subsection 6 of the said section 64 is amended by striking out “assessor shall in each year, before the return of the assessment roll” in the first and second lines and inserting in lieu thereof “clerk shall in each year, before the final revision of the list supplied to the clerk under section 23 of *The Assessment Act*”.

s. 65,  
amended

**21.** Section 65 of the said Act is amended by striking out “and” at the end of clause *c*, by adding “and” at the end of clause *d* and by adding thereto the following clause:

- (e) may provide for expenditures for permanent improvements and for an allocation to a reserve fund provided that, where separate school rates or taxes are collected by a municipal council, the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii and vii of paragraph 18 of subsection 2 of section 1 of *The Schools Administration Act*, together with any sum allocated to



a reserve fund, shall not exceed a sum calculated at one mill in the dollar upon the total equalized assessment of the property rateable for separate school purposes within the area of jurisdiction of the board in the manner provided for public school purposes in respect of a divisional board of education in clause *d* of subsection 1 of section 31 of *The Secondary Schools and Boards of Education Act*, which clause shall apply *mutatis mutandis*.

**22.** Subsection 1 of section 66 of the said Act is amended <sup>s. 66 (1), amended</sup> by inserting after “may” in the first line “in respect of the estimates adopted under section 65”.

**23.** Section 70 of the said Act is amended by striking out <sup>s. 70, amended</sup> “appearing upon the assessment roll for the current year who have given the notice required by section 53” in the fourth and fifth lines and inserting in lieu thereof “who are separate school supporters”.

**24.** Section 72 of the said Act is repealed. <sup>s. 72, repealed</sup>

**25.** Subsection 5 of section 73 of the said Act is repealed <sup>s. 73 (5), re-enacted</sup> and the following substituted therefor:

(5) Where the debt is not payable by instalments, the <sup>Sinking fund</sup> board shall levy in each year during the currency of the debt in addition to the amount required to pay the interest falling due in such year a sum such that the aggregate amount so levied during the currency of the debt, with the estimated interest on the investments thereof, will be sufficient to discharge the debt when it becomes payable.

(5a) The sum referred to in subsection 5 shall be deposited <sup>Investment of fund</sup> with a chartered bank or a trust company that is registered under *The Loan and Trust Corporations Act*, and such sum and any income resulting therefrom shall be invested by such bank or trust company in the manner provided in *The Municipal Act* for sinking funds, and subsections 4 to 9 of section 291 of *The Municipal Act* apply *mutatis mutandis* except that reference therein to the Ministry of Treasury, Economics and Intergovernmental Affairs shall be deemed to be a reference to the Ministry of Education. <sup>R.S.O. 1970, c. 254  
R.S.O. 1970, c. 284</sup>

**26.**—(1) Clause *j* of subsection 1 of section 80 of the said <sup>s. 80 (1) (j), re-enacted</sup> Act is repealed and the following substituted therefor:

(j) “separate school supporter” in respect of an area for which one or more trustees of a county or district

1972, c.... combined separate school board are to be elected, means a separate school elector under *The Municipal Elections Act, 1972* who is qualified to vote at the election of such trustee or trustees in such area.

s. 80 (4), amended (2) Subsection 4 of the said section 80 is amended by striking out "and the County of York does not include the area municipalities as defined in *The Municipality of Metropolitan Toronto Act*" in the second, third and fourth lines.

s. 80 (7), amended (3) Subsection 7 of the said section 80 is amended by striking out "the preparation of a voters' list and the election of members of a district combined separate school board under *The Municipal Act* and *The Voters' Lists Act*, which apply *mutatis mutandis*" in the ninth, tenth, eleventh and twelfth lines and inserting in lieu thereof "the election of members of a district combined separate school board under *The Municipal Elections Act, 1972*".

s. 81 (3), amended **27.** Subsection 3 of section 81 of the said Act is amended by inserting after "21" in the second line "or 22".

ss. 81a, 81b, enacted **28.** The said Act is amended by adding thereto the following sections:

Meeting to establish separate school in designated areas **81a.**—(1) Not fewer than five heads of families, being Roman Catholics and being householders or freeholders resident within one former school section in an area designated by the regulations made under subsection 2 of section 81, may convene a public meeting of persons desiring to establish a separate school zone in such section.

Establishment of zone (2) Where such a meeting is held, the persons present,

- (a) shall elect a chairman and a secretary for the meeting;
- (b) may pass a motion to establish a new separate school zone, in which case they shall determine the centre of the zone; and
- (c) where such a motion is passed and a centre determined, shall require the chairman to send a copy of the motion to,
  - (i) the Minister,
  - (ii) the secretary of the county or district combined separate school board,

(iii) the secretary of the divisional board of education affected, and

(iv) the appropriate municipal assessor,

and the zone so established shall forthwith become a part of the county or district combined separate school zone.

(3) Notwithstanding section 18, no trustees shall be elected at the meeting. Trustees not elected at meeting

81b.—(1) Where a school site that is acquired by a county or district combined separate school board is not within the county or district combined separate school zone and the board operates a separate school on such site, a separate school zone having its centre as provided in subsection 2 of section 54 is deemed to have been established under subsection 2 of section 81a on the date on which final approval in respect of the construction or purchase of the school is given by the Minister for purposes of legislative grant. Zone deemed formed

(2) A separate school board under this Part may, with the approval of the Minister, acquire by purchase or lease a school site that is outside the area designated in respect of such board by regulation made under subsection 2 of section 81, and may operate thereon a separate school, but a separate school board shall not expropriate any such site. School outside designated area

(3) Notwithstanding section 54, the operation of a separate school on a school site acquired under subsection 2 does not, *ipso facto*, establish a separate school zone with a centre at such site. Zone not established

**29.** Subsection 2 of section 85 of the said Act is repealed and the following substituted therefor: s. 85 (2), re-enacted

(2) A county combined separate school board that has jurisdiction in an area that includes two or more counties, or one county and a defined city as defined in subsection 1 of section 27 of *The Secondary Schools and Boards of Education Act*, is a corporation by the name of "The . . . . . County Roman Catholic Separate School Board" (*inserting the names of the counties, the name of the city and of the county or a name selected by the board and approved by the Minister*). Name of county combined board  
R.S.O. 1970, c. 425

s. 90 (1) (a),  
re-enacted

**30.**—(1) Clause *a* of subsection 1 of section 90 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 64, subsection 2, is repealed and the following substituted therefor:

- (a) “equalized residential and farm assessment” means the residential and farm assessment referred to in clause *b*, as adjusted by the assessment equalization factor applicable thereto that is provided by the Minister.

s. 90,  
amended

(2) The said section 90 is amended by adding thereto the following subsections:

Distribution  
of members  
within  
combined  
municipalities

- (8a) Where two or more county municipalities that are not in a regional municipality are combined under subsection 8 for the election of two or more trustees and one of the combined municipalities has a population in excess of 75,000, the clerks of such combined municipalities may, before the 15th day of September in any year in which a determination is made under subsection 8, determine that a portion of a county municipality that is so combined be attached to one or more of the other county municipalities in the combination of municipalities for the election of one or two trustees and, where the clerks of such combined municipalities so determine,

- (a) the number of trustees to be elected in the combined municipalities shall be apportioned among the combined areas formed under this subsection and the remainder, if any, of the county municipality, as nearly as is practicable in the proportion that the equalized residential and farm assessment of the property rateable for separate school purposes in each such combined area and in the remainder, if any, of the county municipality, bears to the total equalized residential and farm assessment of the property rateable for separate school purposes in the combined municipalities; and

- (b) where the remainder of the county municipality is to be represented by two or more trustees, subsections 17 and 18 shall apply *mutatis mutandis* in respect of such remainder.

Appeal from  
determination  
under subs. 8a

- (8b) Where the determination made under subsection 8a apportions to a combined area or to the remainder



of a county municipality a percentage of the total number of trustees to be elected in the combined municipalities as determined under subsection 8 that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for separate school purposes in the combined area or in the remainder of the county municipality, as the case may be, is of the total equalized residential and farm assessment of the property rateable for separate school purposes in the combined municipalities, the council of a municipality all or part of which is in the combined area or part of which forms such remainder, as the case may be, may, within fifteen days after notice of such determination has been sent, appeal the determination to the judge who shall either reapportion the number of trustees in accordance with clause *a* of subsection 8*a* or, where he determines that the determination was made in accordance with such clause, confirm the determination, and his decision is final.

(3) Subsection 10 of the said section 90 as amended by <sup>s. 90 (10),  
amended</sup> inserting after "the" where it occurs the second time in the fifth line "county".

(4) Subsection 19 of the said section 90 is repealed and <sup>s. 90 (19),  
re-enacted</sup> the following substituted therefor:

(19) Where two or more county or district municipalities <sup>Elections  
in combined  
areas</sup> are combined for the election of one or more trustees, such trustee or trustees shall, except where a determination is made under subsection 8*a*, be elected by a general vote of the separate school supporters of the combined municipalities, and where, under subsection 8*a* or 8*b*, a portion of a county municipality is attached to one or more other county municipalities for the election of one or two trustees, such trustee or trustees shall be elected by a general vote of the separate school supporters of such combined area, and

(*a*) the nominations in each case shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for separate school purposes of any municipality all of which is in the area for which the trustee or trustees are to be elected, who shall send to the clerk of each municipality concerned, by registered mail

within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

- (b) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the vote.

s. 90 (21),  
re-enacted,  
s. 90 (22-26),  
repealed

(5) Subsections 21 to 26 of the said section 90 are repealed and the following substituted therefor:

Elections

- (21) The election of members of a county or district combined separate school board shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality.

s. 91,  
amended

**31.** Section 91 of the said Act is amended by adding thereto the following subsection:

Election  
to fill  
vacancy

- (6) Notwithstanding subsection 5, a separate school board under this Part may require that an election be held to fill a vacancy on the board and, where an election is held, the provisions of *The Municipal Elections Act, 1972* that pertain to an election to fill a vacancy shall apply.

1972, c. ....

s. 93 (1),  
amended

**32.**—(1) Subsection 1 of section 93 of the said Act is amended by adding at the end thereof “for a supervisory officer”.

s. 93 (2),  
amended

(2) Subsection 2 of the said section 93 is amended by adding at the end thereof “for a supervisory officer”.

Commence-  
ment

**33.**—(1) This Act, except section 21, comes into force on the day it receives Royal Assent.

Idem

(2) Section 21 comes into force on the 1st day of January, 1973.

Short title

**34.** This Act may be cited as *The Separate Schools Amendment Act, 1972*.









An Act to amend  
The Separate Schools Act

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*1st Reading*

May 15th, 1972

*2nd Reading*

May 25th, 1972

*3rd Reading*

June 21st, 1972

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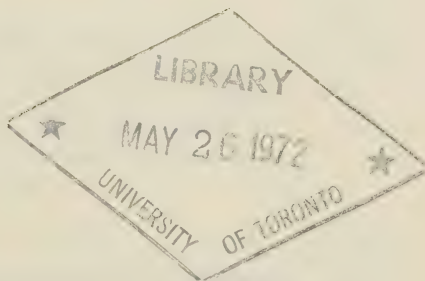
THE HON. T. L. WELLS  
Minister of Education

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

**An Act to amend The Schools Administration Act**

THE HON. T. L. WELLS  
Minister of Education



TORONTO

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#### EXPLANATORY NOTES

SECTION 1.—Subsection 1. The definition is amended to include in the average daily enrolment part-time pupils other than half-day pupils.

Subsection 2. This paragraph is no longer required in view of the new paragraph 12*a*.

Subsection 3. The head office of a board is defined for convenience and clarity of reference.

Judge is redefined in relation to the location of the head office of the board.

BILL 128

1972

## An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subparagraph i of paragraph 1a of subsection 2 of section 1 of *The Schools Administration Act*, being chapter 424 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 90, section 1, subsection 1, is amended by striking out “and” at the end of sub-paragraphs c and d and by adding thereto the following sub-paragraphs: s. 1 (2), par. 1a,  
subpar. i,  
amended

- e. for each pupil, except a pupil referred to in subparagraph ii, who is registered for part-time attendance other than half-day attendance, the product of 0.06 and the number of hours and fractions thereof of instruction for which such pupil is registered on the last school day in each of the months of January and April, and
- f. for each pupil, except a pupil referred to in subparagraph ii, who is registered for part-time attendance other than half-day attendance, the product of 0.08 and the number of hours and fractions thereof of instruction for which such pupil is registered on the last school day in September, and

(2) Paragraph 5 of subsection 2 of the said section 1 is s. 1 (2), par. 5,  
repealed repealed.

(3) Subsection 2 of the said section 1, as amended by the Statutes of Ontario, 1971, chapter 90, section 1, and the Statutes of Ontario, 1972, chapter 1, section 62, is further amended by adding thereto the following paragraphs: s. 1 (2),  
amended

11a. "head office" of a board means the place at which the minute book, financial statements and records, current accounts and seal of the board are ordinarily kept;

. . . . .

12a. "judge" means the judge of the county or district court of the county or district in which the head office of the board is situate.

s. 1 (2),  
par. 34,  
re-enacted

(4) Paragraph 34 of subsection 2 of the said section 1 is repealed and the following substituted therefor:

34. "supervisory officer" means a teacher who is qualified in accordance with the regulations governing supervisory officers and who is employed by a board or by the Ministry to perform in schools operated by a board such supervisory and administrative duties as are required by this Act, the regulations, the board and the Minister.

s. 1 (2),  
amended

(5) Subsection 2 of the said section 1 is amended by adding thereto the following paragraph:

1972, c. ...

40. "voters' list" or "revised voters' list" means a polling list as defined by *The Municipal Elections Act, 1972*.

s. 1,  
amended

(6) The said section 1, as amended by the Statutes of Ontario, 1971, chapter 90, section 1, and the Statutes of Ontario, 1972, chapter 1, section 62, is further amended by adding thereto the following subsection:

Authority or  
obligation of  
parent vested  
in pupil of  
18 years of age

(3) Where any authority is vested in, or any obligation is imposed upon, or any reimbursement may be made to, a parent or guardian of a pupil, such authority or obligation or reimbursement shall, where the pupil has attained the age of eighteen years, be vested in or imposed upon or made to the pupil, as the case may be.

s. 4, par. 2,  
repealed

2.—(1) Paragraph 2 of section 4 of the said Act is repealed.

s. 4, par. 4,  
re-enacted

(2) Paragraph 4 of the said section 4 is repealed and the following substituted therefor:

4. One day in a school year as approved by the director of education, the superintendent of separate schools or the appropriate supervisory officer for an educational conference.



Subsection 4. Self-explanatory.

Subsection 5. The amendment is required to make all present references in the school Acts to "voters' list" or "revised voters' list" consistent with the terminology used in *The Municipal Elections Act, 1972*.

Subsection 6. Self-explanatory.

SECTION 2. The closing of schools on a civic holiday proclaimed by the head of a municipal council is made permissive rather than mandatory. The amendment to paragraph 4 is to make it clear that the school holiday referred to therein is one day in the school year and to bring up-to-date the term describing the meeting.

SECTION 3. Provision is made in subsection 2 of section 7 for an inquiry in respect of the excusing of a child from attendance at school. See section 4 of this Bill.

SECTION 4. The provision for the Minister to inquire into the instruction being given a child where the child or his parent considers that the child need not attend school because he is receiving satisfactory instruction at home or elsewhere is removed and provision is made for the provincial school attendance counsellor to direct an inquiry into the validity of the reason for non-attendance as well as all of the other reasons.

SECTION 5.—Subsection 1. The amendment removes the right of a school attendance counsellor to enter without warrant any place where children may be employed or congregated.

(3) The said section 4 is amended by adding thereto the <sup>s. 4,</sup>  
following subsection:

- (2) Where the head of the council of a municipality in <sup>Closing of</sup>  
which a school is situate proclaims a school day as a <sup>schools on</sup>  
civic holiday for the municipality, the board may, <sup>civic holiday</sup>  
by resolution, close any of the schools under its  
jurisdiction on such day.

**3.** Clause *a* of subsection 2 of section 6 of the said Act is <sup>s. 6 (2) (a),</sup>  
amended by striking out "in the opinion of the Minister" in <sup>amended</sup>  
the first line.

**4.** Subsections 2 and 3 of section 7 of the said Act are <sup>s. 7 (2),</sup>  
repealed and the following substituted therefor: <sup>re-enacted;</sup>  
<sup>s. 7 (3),</sup>  
<sup>repealed</sup>

- (2) Where the parent or guardian of a child considers <sup>Inquiry by</sup>  
that the child is excused from attendance at school <sup>provincial</sup>  
under subsection 2 of section 6, the provincial school <sup>counsellor</sup>  
attendance counsellor may direct that an inquiry be  
made as to the validity of the reason or excuse for  
non-attendance and the other relevant circum-  
stances, and for such purpose may appoint one or  
more persons who are not employees of the board  
that operates the school that the child has the right  
to attend to conduct a hearing and to report to him  
the result of the inquiry and may, by order in writing  
signed by him, direct that the child,

(*a*) be excused from attendance at school; or

(*b*) attend school,

and a copy of the order shall be delivered to the board  
and to the parent or guardian of the child.

**5.—(1)** Subsection 1 of section 10 of the said Act is repealed <sup>s. 10 (1),</sup>  
and the following substituted therefor: <sup>re-enacted</sup>

- (1) Where a school attendance counsellor has reasonable <sup>Powers of</sup>  
and probable grounds for believing that a child is <sup>counsellors</sup>  
illegally absent from school, he may, at the written  
request of the parent or guardian of the child or of the  
principal of the school that the child is required to  
attend, take the child to his parent or guardian or  
to the school from which he is absent provided that,  
if exception is taken to his entering a dwelling place,  
he shall not enter therein without a warrant.

s. 10 (2),  
amended

(2) Subsection 2 of the said section 10 is amended by striking out “and annually to the provincial school attendance counsellor, on the prescribed forms” in the second and third lines.

s. 10 (4),  
amended

(3) Subsection 4 of the said section 10 is amended by adding at the end thereof “and shall advise the parent or guardian in writing of the provisions of subsection 2 of section 7”.

s. 11,  
amended

**6.** Section 11 of the said Act is amended by striking out “children” in the first line and inserting in lieu thereof “persons”.

s. 14 (3),  
amended

**7.—(1)** Subsection 3 of section 14 of the said Act is amended by striking out “a child of compulsory school age during school hours” in the first and second lines and inserting in lieu thereof “during school hours a child who is required to attend school under section 6”.

s. 14 (5),  
amended

(2) Subsection 5 of the said section 14 is amended by striking out “A child of compulsory school age who is habitually absent from school without being legally excused” in the first and second lines and inserting in lieu thereof “A child who is required by law to attend school and who refuses to attend or who is habitually absent from school”.

s. 14,  
amended

(3) The said section 14 is amended by adding thereto the following subsection:

Reference  
to provincial  
counsellor for  
inquiry

(7) Where, in proceedings under this section, it appears to a provincial judge that the child may have been excused from attendance at school under subsection 2 of section 6, the provincial judge may refer the matter to the provincial school attendance counsellor who shall direct that an inquiry shall be made as provided in subsection 2 of section 7, which subsection shall apply *mutatis mutandis* except that the provincial school attendance counsellor shall, in lieu of making an order, submit a report to the provincial judge.

s. 15,  
amended

**8.** Section 15 of the said Act is amended by adding thereto the following subsection:

Order re  
school  
attendance

(4) An order made under subsection 2 of section 7 shall be admitted in evidence in a prosecution only where the prosecution is in respect of the school year for which the order was made.

s. 16 (8),  
re-enacted

**9.** Subsection 8 of section 16 of the said Act is repealed and the following substituted therefor:

Subsection 2. The amendment removes the requirement that a school attendance counsellor report annually to the provincial school attendance counsellor.

Subsection 3. The amendment requires the school attendance counsellor to advise the parent or guardian of his right to request an inquiry where he considers that the child is legally excused from attendance at school.

SECTION 6. The amendment is required because persons between 18 and 21 years of age are no longer children under *The Age of Majority and Accountability Act, 1971*.

SECTION 7.—Subsection 1. The amendment is to exclude from the application of this subsection a child who is excused from attendance at school under subsection 2 of section 6.

Subsection 2. The amendment permits action to be taken in respect of absence from school where a pupil refuses to attend school, without waiting for a prolonged period of “habitual absence”.

Subsection 3. The amendment permits a judge, where it appears that the child may have been excused from attendance at school, to refer the matter to the provincial attendance counsellor to determine whether the child was so excused.

SECTION 8. The amendment provides that determinations of satisfactory instruction at home or elsewhere or other lawful excuse for non-attendance are admissible in evidence only in respect of the school year for which they are made.

SECTION 9. Provision is made for the payment of a teacher's salary when he is summoned for jury duty.

SECTION 10. The amendment is made to conform with clause *c* of subsection 1 of section 10 of *The Ministry of Education Act* which permits the Minister to grant a certificate to a Canadian citizen or a landed immigrant who is otherwise qualified.

SECTION 11. The provisions of this section as to the duties of a teacher in respect of text-books are placed in the new clause *k* of subsection 1 of section 21. The penalty provisions formerly included in this section are removed.

SECTION 12. The provision that a teacher who refused to deliver school property to the board was no longer a qualified teacher is removed, as also are the references to visitors' book, school register and schoolhouse key.

SECTION 13.—Subsection 1. The duty of a teacher to use and permit to be used only approved text-books is added to his other duties under this subsection.

Subsection 2. The classification of pupils according to courses of study is removed from the duties of the principal as being obsolete, and the establishing, maintaining and disposing of pupil records is added to his duties.



- (8) A teacher is entitled to his salary notwithstanding <sup>Absence by reason of being a juror or witness</sup> his absence from duty by reason of a summons to serve as a juror, or a subpoena as a witness in any proceeding to which he is not a party or one of the persons charged, provided that the teacher pays to the board any fee exclusive of travelling allowances and living expenses, that he receives as a juror or as a witness.

**10.** Subsection 2 of section 18 of the said Act, as amended <sup>s. 18 (2), amended</sup> by the Statutes of Ontario, 1972, chapter 1, section 1, is further amended by striking out "British subject" in the second and third lines and inserting in lieu thereof "person".

**11.** Section 19 of the said Act is repealed. <sup>s. 19, repealed</sup>

**12.** Section 20 of the said Act is repealed and the following <sup>s. 20, re-enacted</sup> substituted therefor:

20. A teacher who refuses, on demand or order of the <sup>Refusal to give up school property</sup> board that operates the school concerned, to deliver to the board any school property in his possession forfeits any claim that he may have against the board.

**13.**—(1) Subsection 1 of section 21 of the said Act is <sup>s. 21 (1), amended</sup> amended by striking out "and" at the end of clause *i*, by adding "and" at the end of clause *j* and by adding thereto the following clause:

- (*k*) to use and permit to be used as a text-book in a <sup>text-books</sup> class that he teaches in an elementary or a secondary school,
- (i) in a subject area for which text-books are approved by the Minister, only text-books that are approved by the Minister, and
- (ii) in all subject areas, only text-books that are approved by the board.

(2) Clauses *b* and *c* of subsection 2 of the said section 21 are <sup>s. 21 (2) (b, c), re-enacted</sup> repealed and the following substituted therefor:

- (*b*) to register the pupils and to ensure that the attendance of pupils for every school day is recorded either <sup>register pupils and record attendance</sup> in the register supplied by the Minister in accordance with the instructions contained therein or in such other manner as is approved by the Minister;



pupil  
records

- (c) to establish and maintain, and to retain, transfer and dispose of, in the manner prescribed by the regulations, a record in respect of each pupil enrolled in the school.

s. 21 (2) (g),  
re-enacted

- (3) Clause g of subsection 2 of the said section 21 is repealed and the following substituted therefor:

text-books

- (g) to ensure that all text-books used by pupils are those approved by the board and, in the case of subject areas for which the Minister approves text-books, those approved by the Minister.

s. 21a,  
enacted

- 14.** The said Act is amended by adding thereto the following section:

Interpre-  
tation

- 21a.—(1) In this section, except in subsection 12, “record” in respect of a pupil means a record maintained or retained by the principal of a school in accordance with the regulations.

Pupil records  
privileged

- (2) A record is privileged for the information and use of supervisory officers and the principal and teachers of the school for the improvement of instruction of the pupil, and such record,
- (a) subject to subsections 3 and 5 is not available to any other person; and
- (b) except for the purposes of subsection 5, is not admissible in evidence for any purpose in any trial, inquest, inquiry, examination, hearing or other proceeding, except to prove the establishment, maintenance, retention or transfer of the record,

without the written permission of the parent or guardian of the pupil or, where the pupil has attained the age of eighteen years, the written permission of the pupil.

Right of  
parent or  
pupil

- (3) A pupil, and his parent or guardian where the pupil has not attained the age of eighteen years, is entitled to examine the record of such pupil.

Idem

- (4) Where, in the opinion of a pupil who has attained the age of eighteen years, or of the parent or guardian of a pupil who has not attained such age, information recorded upon the record of the pupil is,

Subsection 3. The amendment is to make it clear that a principal must ensure that all text-books have been approved in accordance with the Act.

SECTION 14. The new section affords confidentiality to pupil records and provides who shall have access to them.



- (a) inaccurately recorded; or
- (b) not conducive to the improvement of instruction of the pupil,

such pupil, parent or guardian, as the case may be, may, in writing, request the principal to correct the alleged inaccuracy in, or to remove the impugned information from, such record.

- (5) Where the principal refuses to comply with a request under subsection 4 and the pupil, parent or guardian who made the request does not agree with such refusal, the matter in disagreement shall be referred to the appropriate supervisory officer who shall forthwith submit the record and a statement of the disagreement to a person designated by the Minister, and such person shall, after affording the principal and the pupil, parent or guardian who made the request an opportunity to be heard, decide the matter and communicate the decision to the parties concerned, and such decision is binding upon the principal and the pupil or other person who made the request. Reference where disagreement
- (6) Nothing in subsection 2 prohibits the use by the principal of the record in respect of a pupil to assist in the preparation of a report, Use re further education or employment
  - (a) for an educational institution or for the pupil, in respect of an application for further education; or
  - (b) for the pupil in respect of an application for employment,

where a written request is made by a former pupil, a pupil who has attained the age of eighteen years, or the parent or guardian of a pupil who has not attained the age of eighteen years.

- (7) Nothing in this section prevents the compilation and delivery of such information as may be required by the Minister or by the board. Information for Minister or board
- (8) No action shall be brought against any person in respect of the content of a record. No action re content
- (9) Except where the record has been introduced in evidence as provided in this section, no person shall Testimony re content

be required in any trial or other proceeding to give evidence in respect of the content of a record.

Secrecy re  
contents

- (10) Except as permitted under this section, every person shall preserve secrecy in respect of the content of a record that comes to his knowledge in the course of his duties or employment, and no such person shall communicate any such knowledge to any other person except,

- (a) as may be required in the performance of his duties; or
- (b) with the written consent of the parent or guardian of the pupil where the pupil has not attained the age of eighteen years; or
- (c) with the written consent of the pupil where the pupil has attained the age of eighteen years.

Interpre-  
tation

- (11) For the purposes of this section, "guardian" includes a person, society or corporation who or that has custody of a pupil.

Application  
to former  
records

- (12) The provisions of subsections 2, 6, 8, 9 and 10 apply also to a record established and maintained in respect of a pupil or retained in respect of a former pupil prior to the coming into force of this section.

s. 29,  
amended

**15.** Section 29 of the said Act is amended by adding thereto the following subsection:

New Board of  
Reference  
where report  
set aside

- (3) Where the entire report or the determination of the Board of Reference is set aside upon a judicial review of the jurisdiction of the Board of Reference, the Minister may grant a new Board of Reference if the board or teacher applies therefor to the Minister by registered mail within fifteen days after the date of the order of the court setting aside the report, and the provisions of this Part apply *mutatis mutandis* in respect of the new Board of Reference.

s. 30 (2),  
amended

**16.** Subsection 2 of section 30 of the said Act is amended by striking out "any" in the second line and inserting in lieu thereof "the Minister may direct that any portion of the".

s. 33, par. 6,  
re-enacted

**17.**—(1) Paragraph 6 of section 33 of the said Act is repealed and the following substituted therefor:

insurance

6. make provision for insuring adequately the buildings and equipment of the board and for insuring the

SECTION 15. To permit the granting of a new Board of Reference where the report or the determination of a Board of Reference is set aside.

SECTION 16. The amendment limits the provision for the non-payment of amounts payable to a board to cases where the Minister has so directed.

SECTION 17.—Subsection 1. The amendment makes mandatory the provision of liability insurance for a board and its employees and volunteers assigned to duties by the principal.

Subsection 2. This amendment requires a board to establish a head office and notify the Ministry of its location.

SECTION 18. Subsection 1. The amendment is to make the appointment of teachers subject to Part II of the Act.

Subsection 2. The amendment permits a board to allow the use of voluntary assistants in schools.

Subsection 3. The provisions respecting the acquisition of school sites and building school buildings are now in section 61.

Subsection 4. This provision is transferred to paragraph 6 of section 33. See section 17 (1) of this Bill.

Subsection 5. This amendment permits a board to institute a program of records management.



board and its employees and volunteers who are assigned duties by the principal against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board.

(2) The said section 33 is amended by adding thereto the <sup>s. 33, amended</sup> following paragraph:

12. establish and maintain a head office and notify the <sup>head office</sup> Ministry of its location and address and notify the Ministry of any change in the location or address of the head office within ten days of such change.

**18.**—(1) Paragraph 2 of section 34 of the said Act is <sup>s. 34, par. 2, re-enacted</sup> repealed and the following substituted therefor:

2. appoint and remove such officers and servants and, <sup>appoint employees</sup> subject to Parts II and III, appoint and remove such teachers, as it considers expedient, determine the terms on which such officers, servants and teachers are to be employed, and fix their salaries and prescribe their duties.

(2) The said section 34, as amended by the Statutes of <sup>s. 34, amended</sup> Ontario, 1971, chapter 90, section 5, is further amended by adding thereto the following paragraph:

- 2b. permit a principal to assign to a person who <sup>voluntary assistants</sup> volunteers to serve without remuneration such duties in respect of the school as are approved by the board and to terminate such assignment.

(3) Paragraphs 6 and 7 of the said section 34 are repealed. <sup>s. 34, pars. 6, 7, repealed</sup>

(4) Paragraph 19 of the said section 34 is repealed. <sup>s. 34, par. 19, repealed</sup>

(5) Paragraph 37 of the said section 34 is repealed and the <sup>s. 34, par. 37, re-enacted</sup> following substituted therefor:

37. institute a program of records management that will, <sup>records management</sup> subject to the regulations in respect of pupil records,
  - i. provide for the archival retention by the board or the Archivist of Ontario of school registers, minute books of the board and its predecessors, documents pertaining to boundaries of school sections, separate school zones and secondary school districts, original assessment and taxation records in the possession of the board and other records considered by the board to have enduring value or to be of historical interest, and

- ii. establish, with the written approval of the auditor of the board, schedules for the retention, disposition and eventual destruction of records of the board and of the schools under its jurisdiction other than records retained for archival use.

s. 34,  
amended

(6) The said section 34 is further amended by adding thereto the following paragraph:

programs in  
detention  
homes

R.S.O. 1970,  
c. 369

38a. employ and pay teachers to conduct an education program in a juvenile detention and observation home as defined in *The Provincial Courts Act*, provide instructional supplies and consultative help for the pupils therein and permanent improvements for the classrooms connected therewith.

s. 34, par. 44,  
repealed

(7) Paragraph 44 of the said section 34 is repealed.

s. 34,  
amended

(8) The said section 34 is further amended by adding thereto the following paragraph:

signatures  
on cheques

46. provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

s. 36,  
re-enacted

**19.** Section 36 of the said Act is repealed and the following substituted therefor:

Agreements  
to provide  
accommodation  
or services  
for another  
board

36.—(1) A board may, subject to subsection 2, enter into an agreement with another board to provide, for the other board for such periods and under such conditions as are specified in the agreement,

- (a) accommodation for administrative purposes;
- (b) accommodation for instructional purposes; or
- (c) the services of teachers and other personnel,

that the board, by this Act or the Act under which it is established, is authorized or required to provide for its own pupils.

Where,  
building,  
additions,  
etc., required

(2) Where the building of a school building or an addition, alteration or improvement to a school building is required under an agreement made under subsection 1, the agreement shall make provision for the

Subsection 6. The new paragraph is to make it clear that a board may conduct an educational program in a juvenile detention and observation home.

Subsection 7. Provision for the agreements referred to in the repealed paragraph is included in the new section 36*a*.

Subsection 8. Self-explanatory.

SECTION 19. The provisions of subsection 1 are extended to all boards and clause *b* is new and permits a board to make an agreement with another board to provide for the other board accommodation for instructional purposes. The new subsection 2 permits a building to be built, added to or altered in order to provide accommodation under the agreement where approval of the Minister is obtained.

SECTION 20. The amendment permits the making of agreements between school boards and municipal or county councils to provide, on school, municipal or county property, facilities for cultural, recreational, educational, administrative or other community purposes, and for the manner of approving and apportioning the costs thereof.

payment of the cost of such building, addition, alteration or improvement and is not effective until approved by the Minister.

**20.** The said Act is amended by adding thereto the following <sup>s. 36a, enacted</sup> section:

36a.—(1) In this section,

Interpre-  
tation

(a) “board” includes The Metropolitan Toronto School Board;

(b) “municipality” includes a county and a district, metropolitan or regional municipality and a local board of a municipality or county or of a district, metropolitan or regional municipality, except a school board.

(2) One or more boards and the council of a municipality <sup>Agreements for joint use of facilities, etc.</sup> or the councils of two or more municipalities may enter into an agreement,

(a) in respect of the use of existing facilities owned by one of such parties; or

(b) for the purpose of establishing and providing for the maintenance and operation of facilities on the property of any of the parties to such agreement,

for such cultural, recreational, educational, administrative or other community purposes as are set out in the agreement, and such agreement shall include provision for,

(c) the acquisition of any land that may be required for the purposes of the agreement, and the manner of approving and the method of apportioning the cost thereof;

(d) the manner of approving and the method of apportioning the cost of the construction, maintenance and operation of the facilities;

(e) the manner in which each party to the agreement shall pay its portion of the costs referred to in clauses *c* and *d* and the times when such costs shall be paid;

(f) the regulation, control and use of the facilities including the charging of fees for admission thereto; and

- (g) the duration of the agreement and the manner in which and the terms upon which it may be terminated.

Approval of  
Minister

- (3) Where pursuant to an agreement made under this section a permanent improvement is required, it shall not be proceeded with until the plans and specifications therefor have been approved by the Minister.

Present  
agreements

- (4) This section does not affect an agreement entered into before the coming into force of this section,

R.S.O. 1970,  
c. 295

- (a) under subsection 2 of section 143 of *The Municipality of Metropolitan Toronto Act*; or

- (b) between a board and the council of a municipality, including a regional municipality or a county, or a local board thereof, for fulfilling, executing or completing, at their joint expense or at the expense of either of the parties to the agreement, any undertaking for the joint benefit of the parties to the agreement, including the joint use of educational and municipal facilities,

but after the coming into force of this section an amendment to an agreement referred to in clause *a* or *b* or an agreement to which the said subsection 2 of section 143 applies may be made only in accordance with this section.

s. 37 (3),  
re-enacted

**21.** Subsection 3 of section 37 of the said Act is repealed and the following substituted therefor:

Appointment  
of represent-  
ative of  
Indian pupils

- (3) Where a board has entered into one or more agreements under this section, the council of the Indian band, or the councils of the Indian bands, to which the Indian pupils, or a majority of the Indian pupils, who are, pursuant to the agreement or agreements, enrolled in the schools operated by the board, belong, may, subject to subsection 4, name one person to represent on the board the interests of the Indian pupils and, where a person is so named, the board shall, subject to subsection 5, appoint the person a member of the board, and the member so appointed shall be deemed to be an elected member of the board, except that,

- (a) where the agreement or agreements under this section are in respect of secondary school



SECTION 21. This amendment makes it mandatory for a board to appoint an Indian member in certain cases where the board has entered into an agreement to provide accommodation and tuition for Indian pupils.



SECTION 22. Honoraria for members of advisory vocational committees are now provided in the new section 13 of *The Secondary Schools and Boards of Education Act*. Subsection 4 of section 40 is, therefor, repealed.

SECTION 23. This subsection is revised in accordance with *The Ontario Municipal Employees Retirement System Act*, which provides that municipalities and local boards may provide pensions for employees only in accordance with that Act.

pupils only, the member so appointed is a trustee for secondary school purposes only and shall not vote on a motion that affects public schools exclusively; and

- (b) where the agreement or agreements under this section are in respect of elementary school pupils only, the member so appointed is a trustee for elementary school purposes only and shall not vote on a motion that affects secondary schools exclusively.
- (4) Where the number of Indian pupils enrolled in the schools under the jurisdiction of a divisional board or a county or district combined separate school board pursuant to one or more agreements made under this section exceeds 25 per cent of the average daily enrolment in the schools of the board, two persons may be named under subsection 3, and the provisions of subsection 3 apply *mutatis mutandis* in respect of such persons. Additional representative
- (5) Where the number of Indian pupils enrolled in the schools under the jurisdiction of the board pursuant to one or more such agreements is fewer than the lesser of 10 per cent of the average daily enrolment in the schools of the board and 100, the appointment under subsection 3 may be made at the discretion of the board. Where appointment in discretion of board
- (6) Where the agreement is, or the agreements are, in respect of elementary school pupils only or secondary school pupils only, the enrolment referred to in subsections 4 and 5 shall be that of elementary school pupils only or secondary school pupils only, as the case may be. Enrolment
- (7) A member of the board appointed under subsection 3, 4 or 5 is in addition to the number of members of the board provided for in *The Public Schools Act*, *The Separate Schools and Boards of Education Act* or *The Separate Schools Act*, as the case may be, and the term of office of such member terminates on the same date as the term of office of the elected members. Appointed members in addition to elected member R.S.O. 1970, c. 385, 425, 430

**22.** Subsection 4 of the said section 40 is repealed.

s. 40 (4),  
repealed

**23.** Subsection 1 of section 43 of the said Act is repealed and the following substituted therefor:

s. 43 (1),  
re-enacted

## Pensions

R.S.O. 1970,  
c. 324

- (1) A board, by resolution, may provide pensions for employees or any class thereof under the provisions of *The Ontario Municipal Employees Retirement System Act*.

## Idem

R.S.O. 1970,  
c. 284

- (1a) Notwithstanding subsection 1, a board that makes contributions to an approved pension plan, as defined in subsection 1 of section 250 of *The Municipal Act*, may continue to provide pensions under such plan, and the provisions of the said section 250 apply *mutatis mutandis*.

s. 46,  
re-enacted

**24.** Section 46 of the said Act is repealed and the following substituted therefor:

Insurance,  
hospital and  
health  
services

46.—(1) Subject to *The Health Insurance Act, 1972* a board by resolution may provide,

1972, c. ...

R.S.O. 1970,  
cc. 224, 360

(a) by contract either with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act*,

(i) group life insurance for its employees or any class thereof,

(ii) group accident insurance or group sickness insurance for its employees or any class thereof and their spouses and children, and

(iii) hospital, medical, surgical, nursing or dental services, or payment therefor, for employees or any class thereof and their spouses and children; and

(b) for payment by the board of the whole or part of the cost of any insurance or services provided under this subsection.

Contributions  
reinsured  
services

1972, c. ...

- (2) A board may by resolution provide for paying the whole or part of the cost to employees of insured services under *The Health Insurance Act, 1972*.

s. 54,  
amended

**25.** Section 54 of the said Act is amended by inserting after "hours" in the first line "at the head office of the board".

s. 61,  
re-enacted;  
s. 62,  
repealed

**26.** Sections 61 and 62 of the said Act are repealed and the following substituted therefor:

SECTION 24. The section is re-enacted to provide that a board may pay all or part of the cost of insurance and health services. Accident and sickness insurance and health services are broadened to permit the inclusion of husbands as well as wives of employees.

SECTION 25. "Head office" of a board is defined in section 1 of the Bill. The section, as amended, permits the inspection of books and accounts by the public at the head office of a board.

SECTION 26. The new section 61 clarifies the powers of a board to secure land by purchase, lease or expropriation and to build schools.

SECTION 27. The special provision for the acquisition of a school site outside its area of jurisdiction by a board of a city or town is repealed as the provisions of section 61 (2) will apply to all acquisitions of school sites. The new section requires the approval of the Minister before a board may enter into an agreement in respect of a multi-use building.

- 61.—(1) Subject to the provisions of *The Separate Schools Act* as to the selection of a site by a rural separate school board, every board may acquire, by purchase or lease, or may expropriate, a school site that is within its area of jurisdiction or, in the case of a county or district combined separate school board, a school site that is within the area designated in respect of such board by regulation made under subsection 2 of section 81 of *The Separate Schools Act*, and that is described in a resolution of the board. Board may purchase or expropriate within its jurisdiction R.S.O. 1970, c. 430
- (2) A public school board, board of education or secondary school board may, with the approval of the Minister, acquire by purchase or lease a school site in an adjoining school section or secondary school district, as the case may be, for the purpose of operating a school therein, but the board shall not expropriate any such site. Purchase or lease of site in adjoining jurisdiction
- (3) Subject to section 63, a board may build school buildings on school sites owned by the board. Buildings on school sites owned by board
- (4) A board may build school buildings on property that is leased by the board where the lease is for a term satisfactory to the Minister and where such property is exempt from taxation under paragraph 1, 4, 5, 6 or 9 of section 3 of *The Assessment Act* or is property owned by a district, metropolitan or regional municipality or a local board thereof. Where board may build on leased land R.S.O. 1970, c. 32
- (5) A board may, with the approval of the Minister, make an addition, alteration or improvement to a school building that is acquired by the board under a lease. Additions or alterations

**27.** Section 63 of the said Act is repealed and the following substituted therefor: s. 63, re-enacted

63. Where a board plans to provide, other than by way of a lease, accommodation for pupils on a school site that is not to be occupied or used exclusively by the board, the board shall obtain the prior approval of the Minister to enter into negotiations with a person, other than a board or a municipality, in respect of the provision of such accommodation, and an agreement for such purpose may be entered into with such person only after the proposed agreement, the plans of the school and of the building of which it may be a part and the site have been approved by the Minister. Agreement for multi-use building



s. 64,  
re-enacted

**28.** Section 64 of the said Act is repealed and the following substituted therefor:

Acquisition  
of land for  
natural  
science  
programs

64.—(1) A board may acquire by purchase or by lease land in any municipality or territory without municipal organization in Ontario for the purpose of conducting a natural science program and other out-of-classroom programs as the board may direct, and for such purposes may, with the approval of the Minister, build and operate the necessary facilities.

Agreements  
with  
boards

(2) Two or more boards may enter into an agreement for a specified period whereby one of the boards may acquire by purchase or by lease land in any municipality or territory without municipal organization in Ontario for the purpose of conducting a natural science program and other out-of-classroom programs and, for such purposes, such board may, with the approval of the Minister, build and operate the necessary facilities.

Taxation

(3) All land acquired by a board under subsection 1 or 2, so long as it is held by the board and is not situated,

(a) within the jurisdiction of the board or within the jurisdiction of another board with which the board has entered into an agreement under subsection 2; or

(b) in the case of a separate school board within the area designated in respect of such board by regulation made under subsection 2 of section 81 of *The Separate Schools Act*,

R.S.O. 1970,  
c. 430

is subject to taxation for municipal and school purposes in the municipality in which it is situate.

Agreements  
with con-  
servation  
authorities,  
etc.

(4) A board may enter into an agreement with a conservation or other appropriate authority under which the board may, with the approval of the Minister, construct and maintain on lands owned by the authority the necessary facilities for the purpose of conducting a natural science program or other out-of-classroom program.

Idem

(5) A board that conducts a natural science, conservation or other out-of-classroom program may enter into an agreement with a conservation or other appropriate authority for the use of the facilities and personnel of such authority for the purpose of conducting such a program as directed by the board.



SECTION 28. Section 64 as revised,

1. permits a board to acquire land for the conducting of natural science programs and other out-of-classroom activities rather than only for the purpose of erecting a natural science school;
2. permits two or more boards to enter into an agreement under which one of the boards may acquire land and build and operate facilities for a natural science program or other out-of-classroom activity;
3. permits a board to enter into an agreement with a conservation or other appropriate authority to construct and maintain facilities on lands of the authority or to conduct a natural science, conservation or other out-of-classroom program in co-operation with the authority.

SECTION 29. The subclause is no longer required as controls in respect of the use by teachers and pupils of approved text-books by the withholding of legislative grants are now provided for in the regulations respecting general legislative grants.

SECTION 30. To provide that a board may borrow from a trust company or loan corporation as well as from a chartered bank.

SECTION 31.—Subsection 1. The amendments provide for a fee that is higher than the average gross fee in respect of high-cost courses taken by pupils from another board unless such pupil is one of an average cross-section of pupils from the area served by the educating board and to provide for a procedure to settle differences arising therefrom.

Subsection 2. The amendment to subsection 3*a* is to include a reference to the new subsection 7.

**29.** Subclause iv of clause *i* of subsection 1 of section 70 <sup>s. 70 (1) (iv),  
repealed</sup> of the said Act is repealed.

**30.** Subsection 1 of section 71 of the said Act, as amended <sup>s. 71 (1),  
amended</sup> by the Statutes of Ontario, 1971, chapter 90, section 9, is further amended by inserting after "bank", in the fourth line "or from a trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*".

**31.**—(1) Section 72 of the said Act, as amended by the <sup>s. 72,  
amended</sup> Statutes of Ontario, 1971, chapter 90, section 10, is further amended by adding thereto the following subsections:

(2) Subject to subsection 2*a*, where a board provides <sup>Fees from  
another board  
re high-cost  
courses</sup> for a pupil whose fee is receivable from another board, from Canada or from Ontario, education in a secondary school program that includes high-cost courses that qualify in a school year for three or more credits toward the Secondary School Graduation Diploma, the fee shall be determined by multiplying the fee calculated under subsection 1 by a factor to be agreed upon between the boards or parties concerned.

(2*a*) Subsection 2 shall not apply where education is <sup>Where subs. 2  
not to apply</sup> provided for all the secondary school pupils from a specified area,

(*a*) under section 43 of *The Secondary Schools and Boards of Education Act*; or <sup>R.S.O. 1970,  
c. 425</sup>

(*b*) pursuant to an agreement made under subsection 1 of section 60 of *The Secondary Schools and Boards of Education Act*.

(2*b*) Where a question arises between the boards or parties concerned as to the application of subsection 2 to the fee in respect of a pupil, such question shall be submitted to a board of arbitration of three arbitrators, one arbitrator appointed by each board or party concerned and a third appointed by the Minister, and the decision of the arbitrators or a majority of them is binding upon the boards or parties and is final. <sup>Dispute as  
to application  
of subs. 2</sup>

(2) Subsection 3*a* of the said section 72, as enacted by the <sup>s. 72 (3*a*),  
amended</sup> Statutes of Ontario, 1971, chapter 90, section 10, subsection 5, is amended by striking out "subsection 3" in the third line and inserting in lieu thereof "subsections 3 and 7".

s. 72,  
amended

(3) The said section 72 is further amended by adding thereto the following subsections:

Pupil whose  
parent not  
Ontario  
resident

- (6) Notwithstanding subsection 4, where a board provides instruction for a pupil in respect of whom fees are required to be paid and whose parent or guardian does not reside in Ontario, the fees payable by or on behalf of the pupil shall be such as the board may prescribe, but shall not exceed the fees calculated as provided in subsection 1, except that the financial data and attendance used in such calculation shall be in respect of the year preceding the year in which the pupil is enrolled.

Idem

- (7) Notwithstanding clause *b* of subsection 3, where a board provides instruction in a special education class for a pupil in respect of whom fees are required to be paid and whose parent or guardian does not reside in Ontario, the fee shall be such as the board may prescribe, but shall not exceed the product obtained by multiplying the fee calculated under subsection 1, except that the financial and attendance data used in the calculation shall be in respect of the year immediately preceding the year in which the pupil is enrolled, by the ratio of 30 for an elementary school pupil or of 20 for a secondary school pupil, as the case may be, to the maximum enrolment for such special education class under the regulations, but such ratio shall not be less than one.

s. 73,  
amended

**32.** Section 73 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 90, section 11, is further amended by adding thereto the following subsection:

Where  
difference  
not dealt  
with under  
subss. 2, 3.

- (4) Where a difference referred to in subsection 2 was not dealt with by a board in accordance with subsection 2 or 3 before the 1st day of January, 1972, such difference shall be dealt with by the board as if it had been first ascertained in the year 1972.

s. 85 (2),  
re-enacted

**33.**—(1) Subsection 2 of section 85 of the said Act is repealed and the following substituted therefor:

Separate  
school  
board

- (2) In the case of a separate school board,
- (a) where the Diocesan Council or Councils of the Federation of Catholic Parent-Teacher Associations of Ontario organized in the area of jurisdiction of the board so recommend, the board shall appoint to the committee one person selected by the Council or Councils;

Subsection 3. The amendment provides that the fee payable on behalf of a pupil whose parent or guardian does not reside in Ontario is such as the board may prescribe but shall not exceed the gross cost rather than the net cost that applies to Ontario residents.

SECTION 32. Where a board did not deal with an underlevy or overlevy in respect of a municipality or part in accordance with subsection 2 or 3 in the year 1971 because of the lack of legislative authority to do so at that time, the amendment will require the board to deal with such underlevy or overlevy in 1972 or 1973 in accordance with such subsections.

SECTION 33. The amendments provide representation on the Committee for each of the three parent-school associations.

SECTION 34. The amendment is made as there are no longer arbitrators acting under *The Public Schools Act*.

(b) where the Federation des Associations de Parents et Instituteurs de langue française de l'Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint one person selected by the regional section and, where there is no regional section, by the local section of such Federation; and

(c) where no recommendation and appointment is made under clause *a*, a recommendation and appointment of two persons may be made under clause *b* and, where no recommendation and appointment is made under clause *b*, a recommendation and appointment of two persons may be made under clause *a*.

(2) Subsection 3 of the said section 85 is amended by <sup>s. 85 (3), amended</sup> striking out "and" at the end of clause *b*, by striking out clause *c* and by inserting in lieu thereof the following:

(c) where the Federation des Associations de Parents et Instituteurs de langue française de l'Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint one person selected by the regional section and, where there is no regional section, by the local section of such Federation; and

(d) where no appointment is made under any two of clauses *a*, *b* or *c*, two members may be appointed under the remaining clause.

**34.** Subsection 1 of section 102 of the said Act is amended <sup>s. 102 (1), amended</sup> by striking out "*The Public Schools Act*" in the first line.

**35.**—(1) This Act, except subsection 1 of section 1, sub-<sup>Commence-</sup>section 2 of section 7, section 14, subsection 1 of section 17, subsections 4 and 6 of section 18 and sections 19, 21, 22, 24, 31, 32 and 33, comes into force on the day it receives Royal Assent.

(2) Subsection 6 of section 18 and sections 19 and 32 shall <sup>Idem</sup> be deemed to have come into force on the 1st day of January, 1972.

(3) Subsection 1 of section 1, subsection 2 of section 7, <sup>Idem</sup> section 14 and subsections 2 and 3 of section 31 come into force on the 1st day of September, 1972.



Idem (4) Subsection 1 of section 17, subsection 4 of section 18, sections 21, 22 and 24, subsection 1 of section 31 and section 33 come into force on the 1st day of January, 1973.

Short title **36.** This Act may be cited as *The Schools Administration Amendment Act, 1972*.







An Act to amend  
The Schools Administration Act

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*1st Reading*

May 15th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Education

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*(Government Bill)*

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972 <sup>th</sup>

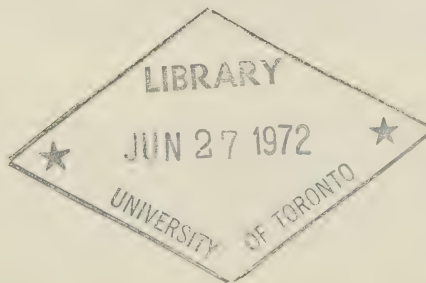
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**An Act to amend The Schools Administration Act**

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THE HON. T. L. WELLS  
Minister of Education

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*(Reprinted as amended by the Social Development Committee)*

#### EXPLANATORY NOTES

SECTION 1.—Subsection 1. The definition is amended to include in the average daily enrolment part-time pupils other than half-day pupils.

Subsection 2. This paragraph is no longer required in view of the new paragraph 12*a*.

Subsection 3. The head office of a board is defined for convenience and clarity of reference.

Judge is redefined in relation to the location of the head office of the board.



## An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subparagraph i of paragraph 1a of subsection 2 of section 1 of *The Schools Administration Act*, being chapter 424 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 90, section 1, subsection 1, is amended by striking out “and” at the end of sub-subparagraphs c and d and by adding thereto the following sub-subparagraphs:

e. for each pupil, except a pupil referred to in subparagraph ii, who is registered for part-time attendance other than half-day attendance, the product of 0.06 and the number of hours and fractions thereof of instruction for which such pupil is registered on the last school day in each of the months of January and April, and

f. for each pupil, except a pupil referred to in subparagraph ii, who is registered for part-time attendance other than half-day attendance, the product of 0.08 and the number of hours and fractions thereof of instruction for which such pupil is registered on the last school day in September, and

. . . . .

(2) Paragraph 5 of subsection 2 of the said section 1 is repealed.

(3) Subsection 2 of the said section 1, as amended by the Statutes of Ontario, 1971, chapter 90, section 1, and the Statutes of Ontario, 1972, chapter 1, section 62, is further amended by adding thereto the following paragraphs:

11a. "head office" of a board means the place at which the minute book, financial statements and records, current accounts and seal of the board are ordinarily kept;

. . . . .

12a. "judge" means the judge of the county or district court of the county or district in which the head office of the board is situate.

s. 1 (2),  
par. 34,  
re-enacted

(4) Paragraph 34 of subsection 2 of the said section 1 is repealed and the following substituted therefor:

34. "supervisory officer" means a teacher who is qualified in accordance with the regulations governing supervisory officers and who is employed by a board or by the Ministry to perform in schools operated by a board such supervisory and administrative duties as are required by this Act, the regulations, the board and the Minister.

s. 1 (2),  
amended

(5) Subsection 2 of the said section 1 is amended by adding thereto the following paragraph:

1972, c. ...

40. "voters' list" or "revised voters' list" means a polling list as defined by *The Municipal Elections Act, 1972*.

s. 1,  
amended

(6) The said section 1, as amended by the Statutes of Ontario, 1971, chapter 90, section 1, and the Statutes of Ontario, 1972, chapter 1, section 62, is further amended by adding thereto the following subsection:

Authority or  
obligation of  
parent vested  
in pupil of  
18 years of age

(3) Where any authority is vested in, or any obligation is imposed upon, or any reimbursement may be made to, a parent or guardian of a pupil, such authority or obligation or reimbursement shall, where the pupil has attained the age of eighteen years, be vested in or imposed upon or made to the pupil, as the case may be.

s. 4, par. 2,  
repealed

**2.—**(1) Paragraph 2 of section 4 of the said Act is repealed.

s. 4, par. 4,  
re-enacted

(2) Paragraph 4 of the said section 4 is repealed and the following substituted therefor:

4. One day in a school year as approved by the director of education, the superintendent of separate schools or the appropriate supervisory officer for an educational conference.

Subsection 4. Self-explanatory.

Subsection 5. The amendment is required to make all present references in the school Acts to "voters' list" or "revised voters' list" consistent with the terminology used in *The Municipal Elections Act, 1972*.

Subsection 6. Self-explanatory.

SECTION 2. The closing of schools on a civic holiday proclaimed by the head of a municipal council is made permissive rather than mandatory. The amendment to paragraph 4 is to make it clear that the school holiday referred to therein is one day in the school year and to bring up-to-date the term describing the meeting.

SECTION 3. Provision is made in subsection 2 of section 7 for an inquiry in respect of the excusing of a child from attendance at school. See section 4 of this Bill.

SECTION 4. The provision for the Minister to inquire into the instruction being given a child where the child or his parent considers that the child need not attend school because he is receiving satisfactory instruction at home or elsewhere is removed and provision is made for the provincial school attendance counsellor to direct an inquiry into the validity of the reason for non-attendance as well as all of the other reasons.

SECTION 5.—Subsection 1. The amendment removes the right of a school attendance counsellor to enter without warrant any place where children may be employed or congregated.

(3) The said section 4 is amended by adding thereto the <sup>s. 4,</sup>  
following subsection: <sup>amended</sup>

- (2) Where the head of the council of a municipality in <sup>Closing of</sup>  
which a school is situate proclaims a school day as a <sup>schools on</sup>  
civic holiday for the municipality, the board may, <sup>civic holiday</sup>  
by resolution, close any of the schools under its  
jurisdiction on such day.

**3.** Clause *a* of subsection 2 of section 6 of the said Act is <sup>s. 6 (2) (a),</sup>  
amended by striking out "in the opinion of the Minister" in <sup>amended</sup>  
the first line.

**4.** Subsections 2 and 3 of section 7 of the said Act are <sup>s. 7 (2),</sup>  
repealed and the following substituted therefor: <sup>re-enacted;</sup>  
<sup>s. 7 (3),</sup>  
<sup>repealed</sup>

- (2) Where the parent or guardian of a child considers <sup>Inquiry by</sup>  
that the child is excused from attendance at school <sup>provincial</sup>  
under subsection 2 of section 6, and the appropriate <sup>counsellor</sup>  
school attendance counsellor or the provincial school  
attendance counsellor is of the opinion that the  
child should not be excused from attendance, the  
provincial school attendance counsellor shall direct  
that an inquiry be made as to the validity of the reason  
or excuse for non-attendance and the other relevant  
circumstances, and for such purpose shall appoint one  
or more persons who are not employees of the board  
that operates the school that the child has the right  
to attend to conduct a hearing and to report to him  
the result of the inquiry and may, by order in writing  
signed by him, direct that the child,

(a) be excused from attendance at school; or

(b) attend school,

and a copy of the order shall be delivered to the board  
and to the parent or guardian of the child.

**5.—**(1) Subsection 1 of section 10 of the said Act is repealed <sup>s. 10 (1),</sup>  
and the following substituted therefor: <sup>re-enacted</sup>

- (1) Where a school attendance counsellor has reasonable <sup>Powers of</sup>  
and probable grounds for believing that a child is <sup>counsellors</sup>  
illegally absent from school, he may, at the written  
request of the parent or guardian of the child or of the  
principal of the school that the child is required to  
attend, take the child to his parent or guardian or  
to the school from which he is absent provided that,  
if exception is taken to his entering a dwelling place,  
he shall not enter therein without a warrant.



s. 10 (2),  
amended

(2) Subsection 2 of the said section 10 is amended by striking out “and annually to the provincial school attendance counsellor, on the prescribed forms” in the second and third lines.

s. 10 (4),  
amended

(3) Subsection 4 of the said section 10 is amended by adding at the end thereof “and shall advise the parent or guardian in writing of the provisions of subsection 2 of section 7”.

s. 11,  
amended

**6.** Section 11 of the said Act is amended by striking out “children” in the first line and inserting in lieu thereof “persons”.

s. 14 (3),  
amended

**7.**—(1) Subsection 3 of section 14 of the said Act is amended by striking out “a child of compulsory school age during school hours” in the first and second lines and inserting in lieu thereof “during school hours a child who is required to attend school under section 6”.

s. 14 (5),  
amended

(2) Subsection 5 of the said section 14 is amended by striking out “A child of compulsory school age who is habitually absent from school without being legally excused” in the first and second lines and inserting in lieu thereof “A child who is required by law to attend school and who refuses to attend or who is habitually absent from school”.

s. 14,  
amended

(3) The said section 14 is amended by adding thereto the following subsection:

Reference  
to provincial  
counsellor for  
inquiry

(7) Where, in proceedings under this section, it appears to a provincial judge that the child may have been excused from attendance at school under subsection 2 of section 6, the provincial judge may refer the matter to the provincial school attendance counsellor who shall direct that an inquiry shall be made as provided in subsection 2 of section 7, which subsection shall apply *mutatis mutandis* except that the provincial school attendance counsellor shall, in lieu of making an order, submit a report to the provincial judge.

s. 15,  
amended

**8.** Section 15 of the said Act is amended by adding thereto the following subsection:

Order re  
school  
attendance

(4) An order made under subsection 2 of section 7 shall be admitted in evidence in a prosecution only where the prosecution is in respect of the school year for which the order was made.

s. 16 (8),  
re-enacted

**9.** Subsection 8 of section 16 of the said Act is repealed and the following substituted therefor:

Subsection 2. The amendment removes the requirement that a school attendance counsellor report annually to the provincial school attendance counsellor.

Subsection 3. The amendment requires the school attendance counsellor to advise the parent or guardian of his right to request an inquiry where he considers that the child is legally excused from attendance at school.

SECTION 6. The amendment is required because persons between 18 and 21 years of age are no longer children under *The Age of Majority and Accountability Act, 1971*.

SECTION 7.—Subsection 1. The amendment is to exclude from the application of this subsection a child who is excused from attendance at school under subsection 2 of section 6.

Subsection 2. The amendment permits action to be taken in respect of absence from school where a pupil refuses to attend school, without waiting for a prolonged period of "habitual absence".

Subsection 3. The amendment permits a judge, where it appears that the child may have been excused from attendance at school, to refer the matter to the provincial attendance counsellor to determine whether the child was so excused.

SECTION 8. The amendment provides that determinations of satisfactory instruction at home or elsewhere or other lawful excuse for non-attendance are admissible in evidence only in respect of the school year for which they are made.

SECTION 9. Provision is made for the payment of a teacher's salary when he is summoned for jury duty.



SECTION 10. The amendment is made to conform with clause *c* of subsection 1 of section 10 of *The Ministry of Education Act* which permits the Minister to grant a certificate to a Canadian citizen or a landed immigrant who is otherwise qualified.

SECTION 11. The provisions of this section as to the duties of a teacher in respect of text-books are placed in the new clause *k* of subsection 1 of section 21. The penalty provisions formerly included in this section are removed.

SECTION 12. The provision that a teacher who refused to deliver school property to the board was no longer a qualified teacher is removed, as also are the references to visitors' book, school register and schoolhouse key.

SECTION 13.—Subsection 1. The duty of a teacher to use and permit to be used only approved text-books is added to his other duties under this subsection.

Subsection 2. The classification of pupils according to courses of study is removed from the duties of the principal as being obsolete, and the establishing, maintaining and disposing of pupil records is added to his duties.

- (8) A teacher is entitled to his salary notwithstanding his absence from duty by reason of a summons to serve as a juror, or a subpoena as a witness in any proceeding to which he is not a party or one of the persons charged, provided that the teacher pays to the board any fee exclusive of travelling allowances and living expenses, that he receives as a juror or as a witness.

Absence by reason of being a juror or witness

**10.** Subsection 2 of section 18 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 1, is further amended by striking out "British subject" in the second and third lines and inserting in lieu thereof "person".

s. 18 (2), amended

**11.** Section 19 of the said Act is repealed.

s. 19, repealed

**12.** Section 20 of the said Act is repealed and the following substituted therefor:

s. 20, re-enacted

20. A teacher who refuses, on demand or order of the board that operates the school concerned, to deliver to the board any school property in his possession forfeits any claim that he may have against the board.

Refusal to give up school property

**13.—**(1) Subsection 1 of section 21 of the said Act is amended by striking out "and" at the end of clause *i*, by adding "and" at the end of clause *j* and by adding thereto the following clause:

s. 21 (1), amended

- (*k*) to use and permit to be used as a text-book in a class that he teaches in an elementary or a secondary school,

text-books

- (i) in a subject area for which text-books are approved by the Minister, only text-books that are approved by the Minister, and

- (ii) in all subject areas, only text-books that are approved by the board.

(2) Clauses *b* and *c* of subsection 2 of the said section 21 are repealed and the following substituted therefor:

s. 21 (2) (*b, c*), re-enacted

- (*b*) to register the pupils and to ensure that the attendance of pupils for every school day is recorded either in the register supplied by the Minister in accordance with the instructions contained therein or in such other manner as is approved by the Minister;

register pupils and record attendance

pupil  
records

- (c) to establish and maintain, and to retain, transfer and dispose of, in the manner prescribed by the regulations, a record in respect of each pupil enrolled in the school.

s. 21 (2) (g),  
re-enacted

- (3) Clause g of subsection 2 of the said section 21 is repealed and the following substituted therefor:

text-books

- (g) to ensure that all text-books used by pupils are those approved by the board and, in the case of subject areas for which the Minister approves text-books, those approved by the Minister.

s. 21a,  
enacted

- 14.** The said Act is amended by adding thereto the following section:

Interpre-  
tation

- 21a.—(1) In this section, except in subsection 12, “record” in respect of a pupil means a record maintained or retained by the principal of a school in accordance with the regulations.

Pupil records  
privileged

- (2) A record is privileged for the information and use of supervisory officers and the principal and teachers of the school for the improvement of instruction of the pupil, and such record,

(a) subject to subsections 3 and 5 is not available to any other person; and

(b) except for the purposes of subsection 5, is not admissible in evidence for any purpose in any trial, inquest, inquiry, examination, hearing or other proceeding, except to prove the establishment, maintenance, retention or transfer of the record,

without the written permission of the parent or guardian of the pupil or, where the pupil has attained the age of eighteen years, the written permission of the pupil.

Right of  
parent or  
pupil

- (3) A pupil, and his parent or guardian where the pupil has not attained the age of eighteen years, is entitled to examine the record of such pupil.

Idem

- (4) Where, in the opinion of a pupil who has attained the age of eighteen years, or of the parent or guardian of a pupil who has not attained such age, information recorded upon the record of the pupil is,

Subsection 3. The amendment is to make it clear that a principal must ensure that all text-books have been approved in accordance with the Act.

SECTION 14. The new section affords confidentiality to pupil records and provides who shall have access to them.



- (a) inaccurately recorded; or
- (b) not conducive to the improvement of instruction of the pupil,

such pupil, parent or guardian, as the case may be, may, in writing, request the principal to correct the alleged inaccuracy in, or to remove the impugned information from, such record.

- (5) Where the principal refuses to comply with a request <sup>Reference where disagreement</sup> under subsection 4 and the pupil, parent or guardian who made the request does not agree with such refusal, the matter in disagreement shall be referred to the appropriate supervisory officer who shall forthwith submit the record and a statement of the disagreement to a person designated by the Minister, and such person shall, after affording the principal and the pupil, parent or guardian who made the request an opportunity to be heard, decide the matter and communicate the decision to the parties concerned, and such decision is binding upon the principal and the pupil or other person who made the request.
- (6) Nothing in subsection 2 prohibits the use by the principal of the record in respect of a pupil to assist <sup>Use re further education or employment</sup> in the preparation of a report,
  - (a) for an educational institution or for the pupil or former pupil, in respect of an application for further education; or
  - (b) for the pupil or former pupil in respect of an application for employment,

where a written request is made by the former pupil, the pupil where he has attained the age of eighteen years, or the parent or guardian of the pupil where the pupil has not attained the age of eighteen years.

- (7) Nothing in this section prevents the compilation and delivery of such information as may be required by <sup>Information for Minister or board</sup> the Minister or by the board.
- (8) No action shall be brought against any person in <sup>No action re content</sup> respect of the content of a record.
- (9) Except where the record has been introduced in <sup>Testimony re content</sup> evidence as provided in this section, no person shall

be required in any trial or other proceeding to give evidence in respect of the content of a record.

Secrecy re  
contents

- (10) Except as permitted under this section, every person shall preserve secrecy in respect of the content of a record that comes to his knowledge in the course of his duties or employment, and no such person shall communicate any such knowledge to any other person except,

- (a) as may be required in the performance of his duties; or
- (b) with the written consent of the parent or guardian of the pupil where the pupil has not attained the age of eighteen years; or
- (c) with the written consent of the pupil where the pupil has attained the age of eighteen years.

Interpre-  
tation

- (11) For the purposes of this section, "guardian" includes a person, society or corporation who or that has custody of a pupil.

Application  
to former  
records

- (12) This section, except subsections 3, 4 and 5, applies mutatis mutandis to a record established and maintained in respect of a pupil or retained in respect of a former pupil prior to the coming into force of this section.

s. 29,  
amended

**15.** Section 29 of the said Act is amended by adding thereto the following subsection:

New Board of  
Reference  
where report  
set aside

- (3) Where the entire report or the determination of the Board of Reference is set aside upon a judicial review of the jurisdiction of the Board of Reference, the Minister may grant a new Board of Reference if the board or teacher applies therefor to the Minister by registered mail within fifteen days after the date of the order of the court setting aside the report, and the provisions of this Part apply *mutatis mutandis* in respect of the new Board of Reference.

s. 30 (2),  
amended

**16.** Subsection 2 of section 30 of the said Act is amended by striking out "any" in the second line and inserting in lieu thereof "the Minister may direct that any portion of the".

s. 33, par. 6,  
re-enacted

**17.**—(1) Paragraph 6 of section 33 of the said Act is repealed and the following substituted therefor:

insurance

6. make provision for insuring adequately the buildings and equipment of the board and for insuring the



SECTION 15. To permit the granting of a new Board of Reference where the report or the determination of a Board of Reference is set aside.

SECTION 16. The amendment limits the provision for the non-payment of amounts payable to a board to cases where the Minister has so directed.

SECTION 17.—Subsection 1. The amendment makes mandatory the provision of liability insurance for a board and its employees and volunteers assigned to duties by the principal.

Subsection 2. This amendment requires a board to establish a head office and notify the Ministry of its location.

SECTION 18. Subsection 1. The amendment is to make the appointment of teachers subject to Part II of the Act.

Subsection 2. The amendment permits a board to allow the use of voluntary assistants in schools.

Subsection 3. The provisions respecting the acquisition of school sites and building school buildings are now in section 61.

Subsection 4. This provision is transferred to paragraph 6 of section 33. See section 17 (1) of this Bill.

Subsection 5. This amendment permits a board to institute a program of records management.

board and its employees and volunteers who are assigned duties by the principal against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board.

(2) The said section 33 is amended by adding thereto the <sup>s. 33, amended</sup> following paragraph:

12. establish and maintain a head office and notify the <sup>head office</sup> Ministry of its location and address and notify the Ministry of any change in the location or address of the head office within ten days of such change.

**18.**—(1) Paragraph 2 of section 34 of the said Act is <sup>s. 34, par. 2, re-enacted</sup> repealed and the following substituted therefor:

2. appoint and remove such officers and servants and, <sup>appoint employees</sup> subject to Parts II and III, appoint and remove such teachers, as it considers expedient, determine the terms on which such officers, servants and teachers are to be employed, and fix their salaries and prescribe their duties.

(2) The said section 34, as amended by the Statutes of <sup>s. 34, amended</sup> Ontario, 1971, chapter 90, section 5, is further amended by adding thereto the following paragraph:

- 2b. permit a principal to assign to a person who volun- <sup>voluntary assistants</sup> teers to serve without remuneration such duties in respect of the school as are approved by the board and to terminate such assignment.

(3) Paragraphs 6 and 7 of the said section 34 are repealed. <sup>s. 34, pars. 6, 7, repealed</sup>

(4) Paragraph 19 of the said section 34 is repealed. <sup>s. 34, par. 19, repealed</sup>

(5) Paragraph 37 of the said section 34 is repealed and the <sup>s. 34, par. 37, re-enacted</sup> following substituted therefor:

37. institute a program of records management that will, <sup>records management</sup> subject to the regulations in respect of pupil records,
  - i. provide for the archival retention by the board or the Archivist of Ontario of school registers, minute books of the board and its predecessors, documents pertaining to boundaries of school sections, separate school zones and secondary school districts, original assessment and taxation records in the possession of the board and other records considered by the board to have enduring value or to be of historical interest, and

- ii. establish, with the written approval of the auditor of the board, schedules for the retention, disposition and eventual destruction of records of the board and of the schools under its jurisdiction other than records retained for archival use.

s. 34,  
amended

(6) The said section 34 is further amended by adding thereto the following paragraph:

programs in  
detention  
homes

R.S.O. 1970,  
c. 369

38a. employ and pay teachers to conduct an education program in a juvenile detention and observation home as defined in *The Provincial Courts Act*, provide instructional supplies and consultative help for the pupils therein and permanent improvements for the classrooms connected therewith.

s. 34, par. 44,  
repealed

(7) Paragraph 44 of the said section 34 is repealed.

s. 34,  
amended

(8) The said section 34 is further amended by adding thereto the following paragraph:

signatures  
on cheques

46. provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

s. 36,  
re-enacted

**19.** Section 36 of the said Act is repealed and the following substituted therefor:

Agreements  
to provide  
accommodation  
or services  
for another  
board

36.—(1) A board may, subject to subsection 2, enter into an agreement with another board to provide, for the other board for such periods and under such conditions as are specified in the agreement,

- (a) accommodation for administrative purposes;
- (b) accommodation for instructional purposes; or
- (c) the services of teachers and other personnel,

that the board, by this Act or the Act under which it is established, is authorized or required to provide for its own pupils.

Where,  
building,  
additions,  
etc., required

(2) Where the building of a school building or an addition, alteration or improvement to a school building is required under an agreement made under subsection 1, the agreement shall make provision for the

Subsection 6. The new paragraph is to make it clear that a board may conduct an educational program in a juvenile detention and observation home.

Subsection 7. Provision for the agreements referred to in the repealed paragraph is included in the new section 36*a*.

Subsection 8. Self-explanatory.

SECTION 19. The provisions of subsection 1 are extended to all boards and clause *b* is new and permits a board to make an agreement with another board to provide for the other board accommodation for instructional purposes. The new subsection 2 permits a building to be built, added to or altered in order to provide accommodation under the agreement where approval of the Minister is obtained.

SECTION 20. The amendment permits the making of agreements between school boards and municipal or county councils to provide, on school, municipal or county property, facilities for cultural, recreational, educational, administrative or other community purposes, and for the manner of approving and apportioning the costs thereof.

payment of the cost of such building, addition, alteration or improvement and is not effective until approved by the Minister.

**20.** The said Act is amended by adding thereto the following <sup>s. 36a, enacted</sup> section:

36a.—(1) In this section,

Interpretation

- (a) “board” includes The Metropolitan Toronto School Board;
- (b) “municipality” includes a county and a district, metropolitan or regional municipality and a local board of a municipality or county or of a district, metropolitan or regional municipality, except a school board.

(2) One or more boards and the council of a municipality <sup>Agreements for joint use of facilities, etc.</sup> or the councils of two or more municipalities may enter into an agreement,

- (a) in respect of the use of existing facilities owned by one of such parties; or
- (b) for the purpose of establishing and providing for the maintenance and operation of facilities on the property of any of the parties to such agreement,

for such cultural, recreational, athletic, educational, administrative or other community purposes as are set out in the agreement, and such agreement shall include provision for,

- (c) the acquisition of any land that may be required for the purposes of the agreement, and the manner of approving and the method of apportioning the cost thereof;
- (d) the manner of approving and the method of apportioning the cost of the construction, maintenance and operation of the facilities;
- (e) the manner in which each party to the agreement shall pay its portion of the costs referred to in clauses *c* and *d* and the times when such costs shall be paid;
- (f) the regulation, control and use of the facilities including the charging of fees for admission thereto; and



- (g) the duration of the agreement and the manner in which and the terms upon which it may be terminated.

Approval of  
Minister

- (3) Where pursuant to an agreement made under this section a permanent improvement is required, it shall not be proceeded with until the plans and specifications therefor have been approved by the Minister.

Present  
agreements

- (4) This section does not affect an agreement entered into before the coming into force of this section,

R.S.O. 1970,  
c. 295

- (a) under subsection 2 of section 143 of *The Municipality of Metropolitan Toronto Act*; or

- (b) between a board and the council of a municipality, including a regional municipality or a county, or a local board thereof, for fulfilling, executing or completing, at their joint expense or at the expense of either of the parties to the agreement, any undertaking for the joint benefit of the parties to the agreement, including the joint use of educational and municipal facilities,

but after the coming into force of this section an amendment to an agreement referred to in clause *a* or *b* or an agreement to which the said subsection 2 of section 143 applies may be made only in accordance with this section.

s. 37 (3),  
re-enacted

**21.** Subsection 3 of section 37 of the said Act is repealed and the following substituted therefor:

Appointment  
of represent-  
ative of  
Indian pupils

- (3) Where a board has entered into one or more agreements under this section, the council of the Indian band, or the councils of the Indian bands, to which the Indian pupils, or a majority of the Indian pupils, who are, pursuant to the agreement or agreements, enrolled in the schools operated by the board, belong, may, subject to subsection 4, name one person to represent on the board the interests of the Indian pupils and, where a person is so named, the board shall, subject to subsection 5, appoint the person a member of the board, and the member so appointed shall be deemed to be an elected member of the board, except that,

- (a) where the agreement or agreements under this section are in respect of secondary school

SECTION 21. This amendment makes it mandatory for a board to appoint an Indian member in certain cases where the board has entered into an agreement to provide accommodation and tuition for Indian pupils.

SECTION 22. Honoraria for members of advisory vocational committees are now provided in the new section 13 of *The Secondary Schools and Boards of Education Act*. Subsection 4 of section 40 is, therefor, repealed.

SECTION 23. This subsection is revised in accordance with *The Ontario Municipal Employees Retirement System Act*, which provides that municipalities and local boards may provide pensions for employees only in accordance with that Act.

pupils only, the member so appointed is a trustee for secondary school purposes only and shall not vote on a motion that affects public schools exclusively; and

- (b) where the agreement or agreements under this section are in respect of elementary school pupils only, the member so appointed is a trustee for elementary school purposes only and shall not vote on a motion that affects secondary schools exclusively.
- (4) Where the number of Indian pupils enrolled in the schools under the jurisdiction of a divisional board or a county or district combined separate school board pursuant to one or more agreements made under this section exceeds 25 per cent of the average daily enrolment in the schools of the board, two persons may be named under subsection 3, and the provisions of subsection 3 apply *mutatis mutandis* in respect of such persons. Additional representative
- (5) Where the number of Indian pupils enrolled in the schools under the jurisdiction of the board pursuant to one or more such agreements is fewer than the lesser of 10 per cent of the average daily enrolment in the schools of the board and 100, the appointment under subsection 3 may be made at the discretion of the board. Where appointment in discretion of board
- (6) Where the agreement is, or the agreements are, in respect of elementary school pupils only or secondary school pupils only, the enrolment referred to in subsections 4 and 5 shall be that of elementary school pupils only or secondary school pupils only, as the case may be. Enrolment
- (7) A member of the board appointed under subsection 3, 4 or 5 is in addition to the number of members of the board provided for in *The Public Schools Act*, *The Secondary Schools and Boards of Education Act* or *The Separate Schools Act*, as the case may be, and the term of office of such member terminates on the same date as the term of office of the elected members. Appointed members in addition to elected member R.S.O. 1970, cc. 385, 425, 430

**22.** Subsection 4 of the said section 40 is repealed.

s. 40 (4),  
repealed

**23.** Subsection 1 of section 43 of the said Act is repealed and the following substituted therefor:

s. 43 (1),  
re-enacted

Pensions

R.S.O. 1970,  
c. 324

- (1) A board, by resolution, may provide pensions for employees or any class thereof under the provisions of *The Ontario Municipal Employees Retirement System Act*.

Idem

R.S.O. 1970,  
c. 284

- (1a) Notwithstanding subsection 1, a board that makes contributions to an approved pension plan, as defined in subsection 1 of section 250 of *The Municipal Act*, may continue to provide pensions under such plan, and the provisions of the said section 250 apply *mutatis mutandis*.

s. 46,  
re-enacted

**24.** Section 46 of the said Act is repealed and the following substituted therefor:

Insurance,  
hospital and  
health  
services

1972, c. ...

R.S.O. 1970,  
cc. 224, 360

46.—(1) Subject to *The Health Insurance Act, 1972* a board by resolution may provide,

- (a) by contract either with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act*,
- (i) group life insurance for its employees or any class thereof,
  - (ii) group accident insurance or group sickness insurance for its employees or any class thereof and their spouses and children, and
  - (iii) hospital, medical, surgical, nursing or dental services, or payment therefor, for employees or any class thereof and their spouses and children; and
- (b) for payment by the board of the whole or part of the cost of any insurance or services provided under this subsection.

Contributions  
reinsured  
services

1972, c. ...

- (2) A board may by resolution provide for paying the whole or part of the cost to employees of insured services under *The Health Insurance Act, 1972*.

s. 54,  
amended

**25.** Section 54 of the said Act is amended by inserting after "hours" in the first line "at the head office of the board".

s. 55,  
re-enacted  
s. 56,  
repealed

**26.** Sections 55 and 56 of the said Act are repealed and the following substituted therefor:

Employee  
disqualified

55. An employee of a board is not eligible to be elected a member of the board by which he is employed or entitled to sit or vote therein.

s. 61,  
re-enacted;  
s. 62,  
repealed

**27.** Sections 61 and 62 of the said Act are repealed and the following substituted therefor:

SECTION 24. The section is re-enacted to provide that a board may pay all or part of the cost of insurance and health services. Accident and sickness insurance and health services are broadened to permit the inclusion of husbands as well as wives of employees.

SECTION 25. "Head office" of a board is defined in section 1 of the Bill. The section, as amended, permits the inspection of books and accounts by the public at the head office of a board.

SECTION 27. The new section 61 clarifies the powers of a board to secure land by purchase, lease or expropriation and to build schools.

SECTION 28. The special provision for the acquisition of a school site outside its area of jurisdiction by a board of a city or town is repealed as the provisions of section 61 (2) will apply to all acquisitions of school sites. The new section requires the approval of the Minister before a board may enter into an agreement in respect of a multi-use building.



- 61.—(1) Subject to the provisions of *The Separate Schools Act* as to the selection of a site by a rural separate school board, every board may acquire, by purchase or lease, or may expropriate, a school site that is within its area of jurisdiction or, in the case of a county or district combined separate school board, a school site that is within the area designated in respect of such board by regulation made under subsection 2 of section 81 of *The Separate Schools Act*, and that is described in a resolution of the board. Board may purchase or expropriate within its jurisdiction R.S.O. 1970, c. 430
- (2) A public school board, board of education or secondary school board may, with the approval of the Minister, acquire by purchase or lease a school site in an adjoining school section or secondary school district, as the case may be, for the purpose of operating a school therein, but the board shall not expropriate any such site. Purchase or lease of site in adjoining jurisdiction
- (3) Subject to section 63, a board may build school buildings on school sites owned by the board. Buildings on school sites owned by board
- (4) A board may build school buildings on property that is leased by the board where the lease is for a term satisfactory to the Minister and where such property is exempt from taxation under paragraph 1, 4, 5, 6 or 9 of section 3 of *The Assessment Act* or is property owned by a district, metropolitan or regional municipality or a local board thereof. Where board may build on leased land R.S.O. 1970, c. 32
- (5) A board may, with the approval of the Minister, make an addition, alteration or improvement to a school building that is acquired by the board under a lease. Additions or alterations

**28.** Section 63 of the said Act is repealed and the following substituted therefor: s. 63, re-enacted

63. Where a board plans to provide, other than by way of a lease, accommodation for pupils on a school site that is not to be occupied or used exclusively by the board, the board shall obtain the prior approval of the Minister to enter into negotiations with a person, other than a board or a municipality, in respect of the provision of such accommodation, and an agreement for such purpose may be entered into with such person only after the proposed agreement, the plans of the school and of the building of which it may be a part and the site have been approved by the Minister. Agreement for multi-use building

s. 64,  
re-enacted

**29.** Section 64 of the said Act is repealed and the following substituted therefor:

Acquisition  
of land for  
natural  
science  
programs

64.—(1) A board may acquire by purchase or by lease land in any municipality or territory without municipal organization in Ontario for the purpose of conducting a natural science program and other out-of-classroom programs as the board may direct, and for such purposes may, with the approval of the Minister, build and operate the necessary facilities.

Agreements  
between  
boards

(2) Two or more boards may enter into an agreement for a specified period whereby one of the boards may acquire by purchase or by lease land in any municipality or territory without municipal organization in Ontario for the purpose of conducting a natural science program and other out-of-classroom programs and, for such purposes, such board may, with the approval of the Minister, build and operate the necessary facilities.

Taxation

(3) All land acquired by a board under subsection 1 or 2, so long as it is held by the board and is not situated,

(a) within the jurisdiction of the board or within the jurisdiction of another board with which the board has entered into an agreement under subsection 2; or

(b) in the case of a separate school board within the area designated in respect of such board by regulation made under subsection 2 of section 81 of *The Separate Schools Act*,

R.S.O. 1970,  
c. 430

is subject to taxation for municipal and school purposes in the municipality in which it is situate.

Agreements  
with con-  
servation  
authorities,  
etc.

(4) A board may enter into an agreement with a conservation or other appropriate authority under which the board may, with the approval of the Minister, construct and maintain on lands owned by the authority the necessary facilities for the purpose of conducting a natural science program or other out-of-classroom program.

Idem

(5) A board that conducts a natural science, conservation or other out-of-classroom program may enter into an agreement with a conservation or other appropriate authority for the use of the facilities and personnel of such authority for the purpose of conducting such a program as directed by the board.

SECTION 29. Section 64 as revised,

1. permits a board to acquire land for the conducting of natural science programs and other out-of-classroom activities rather than only for the purpose of erecting a natural science school;
2. permits two or more boards to enter into an agreement under which one of the boards may acquire land and build and operate facilities for a natural science program or other out-of-classroom activity;
3. permits a board to enter into an agreement with a conservation or other appropriate authority to construct and maintain facilities on lands of the authority or to conduct a natural science, conservation or other out-of-classroom program in co-operation with the authority.

SECTION 30. The subclause is no longer required as controls in respect of the use by teachers and pupils of approved text-books by the withholding of legislative grants are now provided for in the regulations respecting general legislative grants.

SECTION 31. To provide that a board may borrow from a trust company or loan corporation as well as from a chartered bank.

SECTION 32.—Subsection 1. The amendments provide for a fee that is higher than the average gross fee in respect of high-cost courses taken by pupils from another board unless such pupil is one of an average cross-section of pupils from the area served by the educating board and to provide for a procedure to settle differences arising therefrom.

Subsection 2. The amendment to subsection 3*a* is to include a reference to the new subsection 7.

**30.** Subclause iv of clause *i* of subsection 1 of section 70 <sup>s. 70(1)(i)(iv),  
repealed</sup> of the said Act is repealed.

**31.** Subsection 1 of section 71 of the said Act, as amended <sup>s. 71(1),  
amended</sup> by the Statutes of Ontario, 1971, chapter 90, section 9, is further amended by inserting after "bank", in the fourth line "or from a trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*".

**32.**—(1) Section 72 of the said Act, as amended by the <sup>s. 72,  
amended</sup> Statutes of Ontario, 1971, chapter 90, section 10, is further amended by adding thereto the following subsections:

(2) Subject to subsection 2*a*, where a board provides <sup>Fees from  
another board  
re high-cost  
courses</sup> for a pupil whose fee is receivable from another board, from Canada or from Ontario, education in a secondary school program that includes high-cost courses that qualify in a school year for three or more credits toward the Secondary School Graduation Diploma, the fee shall be determined by multiplying the fee calculated under subsection 1 by a factor to be agreed upon between the boards or parties concerned.

(2*a*) Subsection 2 shall not apply where education is <sup>Where subs. 2  
not to apply</sup> provided for all the secondary school pupils from a specified area,

(*a*) under section 43 of *The Secondary Schools and Boards of Education Act*; or <sup>R.S.O. 1970,  
c. 425</sup>

(*b*) pursuant to an agreement made under subsection 1 of section 60 of *The Secondary Schools and Boards of Education Act*.

(2*b*) Where a question arises between the boards or parties concerned as to the application of subsection 2 to the fee in respect of a pupil, such question shall be submitted to a board of arbitration of three arbitrators, one arbitrator appointed by each board or party concerned and a third appointed by the Minister, and the decision of the arbitrators or a majority of them is binding upon the boards or parties and is final. <sup>Dispute as  
to application  
of subs. 2</sup>

(2) Subsection 3*a* of the said section 72, as enacted by the <sup>s. 72 (3*a*),  
amended</sup> Statutes of Ontario, 1971, chapter 90, section 10, subsection 5, is amended by striking out "subsection 3" in the third line and inserting in lieu thereof "subsections 3 and 7".



s. 72,  
amended

(3) The said section 72 is further amended by adding thereto the following subsections:

Pupil whose  
parent not  
Ontario  
resident

- (6) Notwithstanding subsection 4, where a board provides instruction for a pupil in respect of whom fees are required to be paid and whose parent or guardian does not reside in Ontario, the fees payable by or on behalf of the pupil shall be such as the board may prescribe, but shall not exceed the fees calculated as provided in subsection 1, except that the financial data and attendance used in such calculation shall be in respect of the year preceding the year in which the pupil is enrolled.

Idem

- (7) Notwithstanding clause *b* of subsection 3, where a board provides instruction in a special education class for a pupil in respect of whom fees are required to be paid and whose parent or guardian does not reside in Ontario, the fee shall be such as the board may prescribe, but shall not exceed the product obtained by multiplying the fee calculated under subsection 1, except that the financial and attendance data used in the calculation shall be in respect of the year immediately preceding the year in which the pupil is enrolled, by the ratio of 30 for an elementary school pupil or of 20 for a secondary school pupil, as the case may be, to the maximum enrolment for such special education class under the regulations, but such ratio shall not be less than one.

s. 73,  
amended

**33.** Section 73 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 90, section 11, is further amended by adding thereto the following subsection:

Where  
difference  
not dealt  
with under  
subss. 2, 3.

- (4) Where a difference referred to in subsection 2 was not dealt with by a board in accordance with subsection 2 or 3 before the 1st day of January, 1972, such difference shall be dealt with by the board as if it had been first ascertained in the year 1972.

s. 85 (2),  
re-enacted

**34.**—(1) Subsection 2 of section 85 of the said Act is repealed and the following substituted therefor:

Separate  
school  
board

- (2) In the case of a separate school board,
- (a) where the Diocesan Council or Councils of the Federation of Catholic Parent-Teacher Associations of Ontario organized in the area of jurisdiction of the board so recommend, the board shall appoint to the committee one person selected by the Council or Councils;

Subsection 3. The amendment provides that the fee payable on behalf of a pupil whose parent or guardian does not reside in Ontario is such as the board may prescribe but shall not exceed the gross cost rather than the net cost that applies to Ontario residents.

SECTION 33. Where a board did not deal with an underlevy or overlevy in respect of a municipality or part in accordance with subsection 2 or 3 in the year 1971 because of the lack of legislative authority to do so at that time, the amendment will require the board to deal with such underlevy or overlevy in 1972 or 1973 in accordance with such subsections.

SECTION 34. The amendments provide representation on the Committee for each of the three parent-school associations.



SECTION 35. The amendment is made as there are no longer arbitrators acting under *The Public Schools Act*.

- (b) where the Federation des Associations de Parents et Instituteurs de langue française de l'Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint one person selected by the regional section and, where there is no regional section, by the local section of such Federation; and
- (c) where no recommendation and appointment is made under clause *a*, a recommendation and appointment of two persons may be made under clause *b* and, where no recommendation and appointment is made under clause *b*, a recommendation and appointment of two persons may be made under clause *a*.

(2) Subsection 3 of the said section 85 is amended by <sup>s. 85 (3), amended</sup> striking out "and" at the end of clause *b*, by striking out clause *c* and by inserting in lieu thereof the following:

- (c) where the Federation des Associations de Parents et Instituteurs de langue française de l'Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint one person selected by the regional section and, where there is no regional section, by the local section of such Federation; and
- (d) where no appointment is made under any two of clauses *a*, *b* or *c*, two members may be appointed under the remaining clause.

**35.** Subsection 1 of section 102 of the said Act is amended <sup>s. 102 (1), amended</sup> by striking out "*The Public Schools Act*" in the first line.

**36.**—(1) This Act, except subsection 1 of section 1, sub-<sup>Commence-</sup>section 2 of section 7, section 14, subsection 1 of section 17, subsections 4 and 6 of section 18 and sections 19, 21, 22, 24, 26, 32, 33 and 34, comes into force on the day it receives Royal Assent.

(2) Subsection 6 of section 18 and sections 19 and 33 shall <sup>Idem</sup> be deemed to have come into force on the 1st day of January, 1972.

(3) Subsection 1 of section 1, subsection 2 of section 7, <sup>Idem</sup> section 14 and subsections 2 and 3 of section 32 come into force on the 1st day of September, 1972.

- Idem (4) Subsection 1 of section 17, subsection 4 of section 18, sections 21, 22 and 24, subsection 1 of section 32 and section 34 come into force on the 1st day of January, 1973.
- Idem (5) Section 26 comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- Short title **36.** This Act may be cited as *The Schools Administration Amendment Act, 1972.*







An Act to amend  
The Schools Administration Act

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*1st Reading*

May 15th, 1972

*2nd Reading*

May 25th, 1972

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Education

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*(Reprinted as amended by the  
Social Development Committee)*



**BILL 128**

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

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**An Act to amend The Schools Administration Act**



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THE HON. T. L. WELLS  
Minister of Education

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BILL 128

1972

## An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subparagraph i of paragraph 1a of subsection 2 of section 1 of *The Schools Administration Act*, being chapter 424 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 90, section 1, subsection 1, is amended by striking out “and” at the end of sub-subparagraphs c and d and by adding thereto the following sub-subparagraphs: s. 1 (2), par. 1a,  
subpar. i,  
amended

- e. for each pupil, except a pupil referred to in subparagraph ii, who is registered for part-time attendance other than half-day attendance, the product of 0.06 and the number of hours and fractions thereof of instruction for which such pupil is registered on the last school day in each of the months of January and April, and
- f. for each pupil, except a pupil referred to in subparagraph ii, who is registered for part-time attendance other than half-day attendance, the product of 0.08 and the number of hours and fractions thereof of instruction for which such pupil is registered on the last school day in September, and

. . . . .

(2) Paragraph 5 of subsection 2 of the said section 1 is s. 1 (2), par. 5,  
repealed repealed.

(3) Subsection 2 of the said section 1, as amended by the Statutes of Ontario, 1971, chapter 90, section 1, and the Statutes of Ontario, 1972, chapter 1, section 62, is further amended by adding thereto the following paragraphs: s. 1 (2),  
amended

- 11a. "head office" of a board means the place at which the minute book, financial statements and records, current accounts and seal of the board are ordinarily kept;

. . . . .

- 12a. "judge" means the judge of the county or district court of the county or district in which the head office of the board is situate.

s. 1 (2),  
par. 34,  
re-enacted

- (4) Paragraph 34 of subsection 2 of the said section 1 is repealed and the following substituted therefor:

34. "supervisory officer" means a teacher who is qualified in accordance with the regulations governing supervisory officers and who is employed by a board or by the Ministry to perform in schools operated by a board such supervisory and administrative duties as are required by this Act, the regulations, the board and the Minister.

s. 1 (2),  
amended

- (5) Subsection 2 of the said section 1 is amended by adding thereto the following paragraph:

1972, c. ...

40. "voters' list" or "revised voters' list" means a polling list as defined by *The Municipal Elections Act, 1972*.

s. 1,  
amended

- (6) The said section 1, as amended by the Statutes of Ontario, 1971, chapter 90, section 1, and the Statutes of Ontario, 1972, chapter 1, section 62, is further amended by adding thereto the following subsection:

Authority or  
obligation of  
parent vested  
in pupil of  
18 years of age

- (3) Where any authority is vested in, or any obligation is imposed upon, or any reimbursement may be made to, a parent or guardian of a pupil, such authority or obligation or reimbursement shall, where the pupil has attained the age of eighteen years, be vested in or imposed upon or made to the pupil, as the case may be.

s. 4, par. 2,  
repealed

- 2.—(1) Paragraph 2 of section 4 of the said Act is repealed.

s. 4, par. 4,  
re-enacted

- (2) Paragraph 4 of the said section 4 is repealed and the following substituted therefor:

4. One day in a school year as approved by the director of education, the superintendent of separate schools or the appropriate supervisory officer for an educational conference.

(3) The said section 4 is amended by adding thereto the following subsection: <sup>s. 4, amended</sup>

- (2) Where the head of the council of a municipality in which a school is situate proclaims a school day as a civic holiday for the municipality, the board may, by resolution, close any of the schools under its jurisdiction on such day. <sup>Closing of schools on civic holiday</sup>

3. Clause *a* of subsection 2 of section 6 of the said Act is amended by striking out “in the opinion of the Minister” in the first line. <sup>s. 6 (2) (a), amended</sup>

4. Subsections 2 and 3 of section 7 of the said Act are repealed and the following substituted therefor: <sup>s. 7 (2), re-enacted; s. 7 (3), repealed</sup>

- (2) Where the parent or guardian of a child considers that the child is excused from attendance at school under subsection 2 of section 6, and the appropriate school attendance counsellor or the provincial school attendance counsellor is of the opinion that the child should not be excused from attendance, the provincial school attendance counsellor shall direct that an inquiry be made as to the validity of the reason or excuse for non-attendance and the other relevant circumstances, and for such purpose shall appoint one or more persons who are not employees of the board that operates the school that the child has the right to attend to conduct a hearing and to report to him the result of the inquiry and may, by order in writing signed by him, direct that the child, <sup>Inquiry by provincial counsellor</sup>

(a) be excused from attendance at school; or

(b) attend school,

and a copy of the order shall be delivered to the board and to the parent or guardian of the child.

5.—(1) Subsection 1 of section 10 of the said Act is repealed and the following substituted therefor: <sup>s. 10 (1), re-enacted</sup>

- (1) Where a school attendance counsellor has reasonable and probable grounds for believing that a child is illegally absent from school, he may, at the written request of the parent or guardian of the child or of the principal of the school that the child is required to attend, take the child to his parent or guardian or to the school from which he is absent provided that, if exception is taken to his entering a dwelling place, he shall not enter therein without a warrant. <sup>Powers of counsellors</sup>

s. 10 (2),  
amended

(2) Subsection 2 of the said section 10 is amended by striking out “and annually to the provincial school attendance counsellor, on the prescribed forms” in the second and third lines.

s. 10 (4),  
amended

(3) Subsection 4 of the said section 10 is amended by adding at the end thereof “and shall advise the parent or guardian in writing of the provisions of subsection 2 of section 7”.

s. 11,  
amended

**6.** Section 11 of the said Act is amended by striking out “children” in the first line and inserting in lieu thereof “persons”.

s. 14 (3),  
amended

**7.**—(1) Subsection 3 of section 14 of the said Act is amended by striking out “a child of compulsory school age during school hours” in the first and second lines and inserting in lieu thereof “during school hours a child who is required to attend school under section 6”.

s. 14 (5),  
amended

(2) Subsection 5 of the said section 14 is amended by striking out “A child of compulsory school age who is habitually absent from school without being legally excused” in the first and second lines and inserting in lieu thereof “A child who is required by law to attend school and who refuses to attend or who is habitually absent from school”.

s. 14,  
amended

(3) The said section 14 is amended by adding thereto the following subsection:

Reference  
to provincial  
counsellor for  
inquiry

(7) Where, in proceedings under this section, it appears to a provincial judge that the child may have been excused from attendance at school under subsection 2 of section 6, the provincial judge may refer the matter to the provincial school attendance counsellor who shall direct that an inquiry shall be made as provided in subsection 2 of section 7, which subsection shall apply *mutatis mutandis* except that the provincial school attendance counsellor shall, in lieu of making an order, submit a report to the provincial judge.

s. 15,  
amended

**8.** Section 15 of the said Act is amended by adding thereto the following subsection:

Order re  
school  
attendance

(4) An order made under subsection 2 of section 7 shall be admitted in evidence in a prosecution only where the prosecution is in respect of the school year for which the order was made.

s. 16 (8),  
re-enacted

**9.** Subsection 8 of section 16 of the said Act is repealed and the following substituted therefor:



- (8) A teacher is entitled to his salary notwithstanding his absence from duty by reason of a summons to serve as a juror, or a subpoena as a witness in any proceeding to which he is not a party or one of the persons charged, provided that the teacher pays to the board any fee exclusive of travelling allowances and living expenses, that he receives as a juror or as a witness. Absence by reason of being a juror or witness

**10.** Subsection 2 of section 18 of the said Act, as amended s. 18 (2), amended by the Statutes of Ontario, 1972, chapter 1, section 1, is further amended by striking out "British subject" in the second and third lines and inserting in lieu thereof "person".

**11.** Section 19 of the said Act is repealed. s. 19, repealed

**12.** Section 20 of the said Act is repealed and the following s. 20, re-enacted substituted therefor:

20. A teacher who refuses, on demand or order of the board that operates the school concerned, to deliver to the board any school property in his possession forfeits any claim that he may have against the board. Refusal to give up school property

**13.—**(1) Subsection 1 of section 21 of the said Act is s. 21 (1), amended amended by striking out "and" at the end of clause *i*, by adding "and" at the end of clause *j* and by adding thereto the following clause:

- (*k*) to use and permit to be used as a text-book in a text-books class that he teaches in an elementary or a secondary school,
- (i) in a subject area for which text-books are approved by the Minister, only text-books that are approved by the Minister, and
- (ii) in all subject areas, only text-books that are approved by the board.

(2) Clauses *b* and *c* of subsection 2 of the said section 21 are s. 21 (2) (b, c), re-enacted repealed and the following substituted therefor:

- (*b*) to register the pupils and to ensure that the attendance of pupils for every school day is recorded either in the register supplied by the Minister in accordance with the instructions contained therein or in such other manner as is approved by the Minister; register pupils and record attendance



pupil  
records

- (c) to establish and maintain, and to retain, transfer and dispose of, in the manner prescribed by the regulations, a record in respect of each pupil enrolled in the school.

s. 21 (2) (g),  
re-enacted

- (3) Clause *g* of subsection 2 of the said section 21 is repealed and the following substituted therefor:

text-books

- (g) to ensure that all text-books used by pupils are those approved by the board and, in the case of subject areas for which the Minister approves text-books, those approved by the Minister.

s. 21a,  
enacted

- 14.** The said Act is amended by adding thereto the following section:

Interpre-  
tation

- 21a.—(1) In this section, except in subsection 12, “record” in respect of a pupil means a record maintained or retained by the principal of a school in accordance with the regulations.

Pupil records  
privileged

- (2) A record is privileged for the information and use of supervisory officers and the principal and teachers of the school for the improvement of instruction of the pupil, and such record,

(a) subject to subsections 3 and 5 is not available to any other person; and

(b) except for the purposes of subsection 5, is not admissible in evidence for any purpose in any trial, inquest, inquiry, examination, hearing or other proceeding, except to prove the establishment, maintenance, retention or transfer of the record,

without the written permission of the parent or guardian of the pupil or, where the pupil has attained the age of eighteen years, the written permission of the pupil.

Right of  
parent or  
pupil

- (3) A pupil, and his parent or guardian where the pupil has not attained the age of eighteen years, is entitled to examine the record of such pupil.

Idem

- (4) Where, in the opinion of a pupil who has attained the age of eighteen years, or of the parent or guardian of a pupil who has not attained such age, information recorded upon the record of the pupil is,

- (a) inaccurately recorded; or
- (b) not conducive to the improvement of instruction of the pupil,

such pupil, parent or guardian, as the case may be, may, in writing, request the principal to correct the alleged inaccuracy in, or to remove the impugned information from, such record.

- (5) Where the principal refuses to comply with a request <sup>Reference where disagreement</sup> under subsection 4 and the pupil, parent or guardian who made the request does not agree with such refusal, the matter in disagreement shall be referred to the appropriate supervisory officer who shall forthwith submit the record and a statement of the disagreement to a person designated by the Minister, and such person shall, after affording the principal and the pupil, parent or guardian who made the request an opportunity to be heard, decide the matter and communicate the decision to the parties concerned, and such decision is binding upon the principal and the pupil or other person who made the request.
- (6) Nothing in subsection 2 prohibits the use by the <sup>Use re further education or employment</sup> principal of the record in respect of a pupil to assist in the preparation of a report,
  - (a) for an educational institution or for the pupil or former pupil, in respect of an application for further education; or
  - (b) for the pupil or former pupil in respect of an application for employment,

where a written request is made by the former pupil, the pupil where he has attained the age of eighteen years, or the parent or guardian of the pupil where the pupil has not attained the age of eighteen years.

- (7) Nothing in this section prevents the compilation and delivery of such information as may be required by <sup>Information for Minister or board</sup> the Minister or by the board.
- (8) No action shall be brought against any person in <sup>No action re content</sup> respect of the content of a record.
- (9) Except where the record has been introduced in <sup>Testimony re content</sup> evidence as provided in this section, no person shall

be required in any trial or other proceeding to give evidence in respect of the content of a record.

Secrecy re  
contents

- (10) Except as permitted under this section, every person shall preserve secrecy in respect of the content of a record that comes to his knowledge in the course of his duties or employment, and no such person shall communicate any such knowledge to any other person except,

- (a) as may be required in the performance of his duties; or
- (b) with the written consent of the parent or guardian of the pupil where the pupil has not attained the age of eighteen years; or
- (c) with the written consent of the pupil where the pupil has attained the age of eighteen years.

Interpre-  
tation

- (11) For the purposes of this section, "guardian" includes a person, society or corporation who or that has custody of a pupil.

Application  
to former  
records

- (12) This section, except subsections 3, 4 and 5, applies *mutatis mutandis* to a record established and maintained in respect of a pupil or retained in respect of a former pupil prior to the coming into force of this section.

s. 29,  
amended

**15.** Section 29 of the said Act is amended by adding thereto the following subsection:

New Board of  
Reference  
where report  
set aside

- (3) Where the entire report or the determination of the Board of Reference is set aside upon a judicial review of the jurisdiction of the Board of Reference, the Minister may grant a new Board of Reference if the board or teacher applies therefor to the Minister by registered mail within fifteen days after the date of the order of the court setting aside the report, and the provisions of this Part apply *mutatis mutandis* in respect of the new Board of Reference.

s. 30 (2),  
amended

**16.** Subsection 2 of section 30 of the said Act is amended by striking out "any" in the second line and inserting in lieu thereof "the Minister may direct that any portion of the".

s. 33, par. 6,  
re-enacted

**17.—**(1) Paragraph 6 of section 33 of the said Act is repealed and the following substituted therefor:

insurance

6. make provision for insuring adequately the buildings and equipment of the board and for insuring the

board and its employees and volunteers who are assigned duties by the principal against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board.

(2) The said section 33 is amended by adding thereto the <sup>s. 33, amended</sup> following paragraph:

12. establish and maintain a head office and notify the <sup>head office</sup> Ministry of its location and address and notify the Ministry of any change in the location or address of the head office within ten days of such change.

**18.**—(1) Paragraph 2 of section 34 of the said Act is <sup>s. 34, par. 2, re-enacted</sup> repealed and the following substituted therefor:

2. appoint and remove such officers and servants and, <sup>appoint employees</sup> subject to Parts II and III, appoint and remove such teachers, as it considers expedient, determine the terms on which such officers, servants and teachers are to be employed, and fix their salaries and prescribe their duties.

(2) The said section 34, as amended by the Statutes of <sup>s. 34, amended</sup> Ontario, 1971, chapter 90, section 5, is further amended by adding thereto the following paragraph:

- 2b. permit a principal to assign to a person who volun- <sup>voluntary assistants</sup> teers to serve without remuneration such duties in respect of the school as are approved by the board and to terminate such assignment.

(3) Paragraphs 6 and 7 of the said section 34 are repealed. <sup>s. 34, pars. 6, 7, repealed</sup>

(4) Paragraph 19 of the said section 34 is repealed. <sup>s. 34, par. 19, repealed</sup>

(5) Paragraph 37 of the said section 34 is repealed and the <sup>s. 34, par. 37, re-enacted</sup> following substituted therefor:

37. institute a program of records management that will, <sup>records management</sup> subject to the regulations in respect of pupil records,
  - i. provide for the archival retention by the board or the Archivist of Ontario of school registers, minute books of the board and its predecessors, documents pertaining to boundaries of school sections, separate school zones and secondary school districts, original assessment and taxation records in the possession of the board and other records considered by the board to have enduring value or to be of historical interest, and



- ii. establish, with the written approval of the auditor of the board, schedules for the retention, disposition and eventual destruction of records of the board and of the schools under its jurisdiction other than records retained for archival use.

s. 34,  
amended

(6) The said section 34 is further amended by adding thereto the following paragraph:

programs in  
detention  
homes

R.S.O. 1970,  
c. 369

38a. employ and pay teachers to conduct an education program in a juvenile detention and observation home as defined in *The Provincial Courts Act*, provide instructional supplies and consultative help for the pupils therein and permanent improvements for the classrooms connected therewith.

s. 34, par. 44,  
repealed

(7) Paragraph 44 of the said section 34 is repealed.

s. 34,  
amended

(8) The said section 34 is further amended by adding thereto the following paragraph:

signatures  
on cheques

46. provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

s. 36,  
re-enacted

**19.** Section 36 of the said Act is repealed and the following substituted therefor:

Agreements  
to provide  
accommodation  
or services  
for another  
board

36.—(1) A board may, subject to subsection 2, enter into an agreement with another board to provide, for the other board for such periods and under such conditions as are specified in the agreement,

(a) accommodation for administrative purposes;

(b) accommodation for instructional purposes; or

(c) the services of teachers and other personnel,

that the board, by this Act or the Act under which it is established, is authorized or required to provide for its own pupils.

Where,  
building,  
additions,  
etc., required

(2) Where the building of a school building or an addition, alteration or improvement to a school building is required under an agreement made under subsection 1, the agreement shall make provision for the

payment of the cost of such building, addition, alteration or improvement and is not effective until approved by the Minister.

**20.** The said Act is amended by adding thereto the following <sup>s. 36a, enacted</sup> section:

36a.—(1) In this section,

Inter-  
pretation

(a) “board” includes The Metropolitan Toronto School Board;

(b) “municipality” includes a county and a district, metropolitan or regional municipality and a local board of a municipality or county or of a district, metropolitan or regional municipality, except a school board.

(2) One or more boards and the council of a municipality <sup>Agreements for joint use of facilities, etc.</sup> or the councils of two or more municipalities may enter into an agreement,

(a) in respect of the use of existing facilities owned by one of such parties; or

(b) for the purpose of establishing and providing for the maintenance and operation of facilities on the property of any of the parties to such agreement,

for such cultural, recreational, athletic, educational, administrative or other community purposes as are set out in the agreement, and such agreement shall include provision for,

(c) the acquisition of any land that may be required for the purposes of the agreement, and the manner of approving and the method of apportioning the cost thereof;

(d) the manner of approving and the method of apportioning the cost of the construction, maintenance and operation of the facilities;

(e) the manner in which each party to the agreement shall pay its portion of the costs referred to in clauses *c* and *d* and the times when such costs shall be paid;

(f) the regulation, control and use of the facilities including the charging of fees for admission thereto; and

- (g) the duration of the agreement and the manner in which and the terms upon which it may be terminated.

Approval of  
Minister

- (3) Where pursuant to an agreement made under this section a permanent improvement is required, it shall not be proceeded with until the plans and specifications therefor have been approved by the Minister.

Present  
agreements

- (4) This section does not affect an agreement entered into before the coming into force of this section,

R.S.O. 1970,  
c. 295

- (a) under subsection 2 of section 143 of *The Municipality of Metropolitan Toronto Act*; or

- (b) between a board and the council of a municipality, including a regional municipality or a county, or a local board thereof, for fulfilling, executing or completing, at their joint expense or at the expense of either of the parties to the agreement, any undertaking for the joint benefit of the parties to the agreement, including the joint use of educational and municipal facilities,

but after the coming into force of this section an amendment to an agreement referred to in clause *a* or *b* or an agreement to which the said subsection 2 of section 143 applies may be made only in accordance with this section.

s. 37 (3),  
re-enacted

**21.** Subsection 3 of section 37 of the said Act is repealed and the following substituted therefor:

Appointment  
of represent-  
ative of  
Indian pupils

- (3) Where a board has entered into one or more agreements under this section, the council of the Indian band, or the councils of the Indian bands, to which the Indian pupils, or a majority of the Indian pupils, who are, pursuant to the agreement or agreements, enrolled in the schools operated by the board, belong, may, subject to subsection 4, name one person to represent on the board the interests of the Indian pupils and, where a person is so named, the board shall, subject to subsection 5, appoint the person a member of the board, and the member so appointed shall be deemed to be an elected member of the board, except that,

- (a) where the agreement or agreements under this section are in respect of secondary school



pupils only, the member so appointed is a trustee for secondary school purposes only and shall not vote on a motion that affects public schools exclusively; and

- (b) where the agreement or agreements under this section are in respect of elementary school pupils only, the member so appointed is a trustee for elementary school purposes only and shall not vote on a motion that affects secondary schools exclusively.

- (4) Where the number of Indian pupils enrolled in the schools under the jurisdiction of a divisional board or a county or district combined school board pursuant to one or more agreements made under this section exceeds 25 per cent of the average daily enrolment in the schools of the board, two persons may be named under subsection 3, and the provisions of subsection 3 apply *mutatis mutandis* in respect of such persons. Additional representative
- (5) Where the number of Indian pupils enrolled in the schools under the jurisdiction of the board pursuant to one or more such agreements is fewer than the lesser of 10 per cent of the average daily enrolment in the schools of the board and 100, the appointment under subsection 3 may be made at the discretion of the board. Where appointment in discretion of board
- (6) Where the agreement is, or the agreements are, in respect of elementary school pupils only or secondary school pupils only, the enrolment referred to in subsections 4 and 5 shall be that of elementary school pupils only or secondary school pupils only, as the case may be. Enrolment
- (7) A member of the board appointed under subsection 3, 4 or 5 is in addition to the number of members of the board provided for in *The Public Schools Act*, *The Secondary Schools and Boards of Education Act*, or *The Separate Schools Act*, as the case may be, and the term of office of such member terminates on the same date as the term of office of the elected members. Appointed members in addition to elected member R.S.O. 1970, cc. 385, 425, 430

**22.** Subsection 4 of the said section 40 is repealed.

s. 40 (4),  
repealed

**23.** Subsection 1 of section 43 of the said Act is repealed and the following substituted therefor:

s. 43 (1),  
re-enacted

## Pensions

- (1) A board, by resolution, may provide pensions for employees or any class thereof under the provisions of *The Ontario Municipal Employees Retirement System Act*.

R.S.O. 1970,  
c. 324

## Idem

- (1a) Notwithstanding subsection 1, a board that makes contributions to an approved pension plan, as defined in subsection 1 of section 250 of *The Municipal Act*, may continue to provide pensions under such plan, and the provisions of the said section 250 apply *mutatis mutandis*.

R.S.O. 1970,  
c. 284

s. 46,  
re-enacted

**24.** Section 46 of the said Act is repealed and the following substituted therefor:

Insurance,  
hospital and  
health  
services

46.—(1) Subject to *The Health Insurance Act, 1972* a board by resolution may provide,

1972, c. ...

R.S.O. 1970,  
cc. 224, 360

- (a) by contract either with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act*,

(i) group life insurance for its employees or any class thereof,

(ii) group accident insurance or group sickness insurance for its employees or any class thereof and their spouses and children, and

(iii) hospital, medical, surgical, nursing or dental services, or payment therefor, for employees or any class thereof and their spouses and children; and

- (b) for payment by the board of the whole or part of the cost of any insurance or services provided under this subsection.

Contributions  
re insured  
services

1972, c. ...

- (2) A board may by resolution provide for paying the whole or part of the cost to employees of insured services under *The Health Insurance Act, 1972*.

s. 54,  
amended

**25.** Section 54 of the said Act is amended by inserting after "hours" in the first line "at the head office of the board".

s. 55,  
re-enacted  
s. 56,  
repealed

**26.** Sections 55 and 56 of the said Act are repealed and the following substituted therefor:

Employee  
disqualified

55. An employee of a board is not eligible to be elected a member of the board by which he is employed or entitled to sit or vote therein.

s. 61,  
re-enacted;  
s. 62,  
repealed

**27.** Sections 61 and 62 of the said Act are repealed and the following substituted therefor:

- 61.—(1) Subject to the provisions of *The Separate Schools Act* as to the selection of a site by a rural separate school board, every board may acquire, by purchase or lease, or may expropriate, a school site that is within its area of jurisdiction or, in the case of a county or district combined separate school board, a school site that is within the area designated in respect of such board by regulation made under subsection 2 of section 81 of *The Separate Schools Act*,<sup>Board may purchase or expropriate within its jurisdiction</sup> and that is described in a resolution of the board.<sup>R.S.O. 1970, c. 430</sup>
- (2) A public school board, board of education or secondary school board may, with the approval of the Minister, acquire by purchase or lease a school site in an adjoining school section or secondary school district, as the case may be, for the purpose of operating a school therein, but the board shall not expropriate any such site.<sup>Purchase or lease of site in adjoining jurisdiction</sup>
- (3) Subject to section 63, a board may build school buildings on school sites owned by the board.<sup>Buildings on school sites owned by board</sup>
- (4) A board may build school buildings on property that is leased by the board where the lease is for a term satisfactory to the Minister and where such property is exempt from taxation under paragraph 1, 4, 5, 6 or 9 of section 3 of *The Assessment Act* or is property owned by a district, metropolitan or regional municipality or a local board thereof.<sup>Where board may build on leased land</sup>  
<sup>R.S.O. 1970, c. 32</sup>
- (5) A board may, with the approval of the Minister, make an addition, alteration or improvement to a school building that is acquired by the board under a lease.<sup>Additions or alterations</sup>

**28.** Section 63 of the said Act is repealed and the following substituted therefor:<sup>s. 63, re-enacted</sup>

63. Where a board plans to provide, other than by way of a lease, accommodation for pupils on a school site that is not to be occupied or used exclusively by the board, the board shall obtain the prior approval of the Minister to enter into negotiations with a person, other than a board or a municipality, in respect of the provision of such accommodation, and an agreement for such purpose may be entered into with such person only after the proposed agreement, the plans of the school and of the building of which it may be a part and the site have been approved by the Minister.<sup>Agreement for multi-use building</sup>

s. 64,  
re-enacted

**29.** Section 64 of the said Act is repealed and the following substituted therefor:

Acquisition  
of land for  
natural  
science  
programs

64.—(1) A board may acquire by purchase or by lease land in any municipality or territory without municipal organization in Ontario for the purpose of conducting a natural science program and other out-of-classroom programs as the board may direct, and for such purposes may, with the approval of the Minister, build and operate the necessary facilities.

Agreements  
between  
boards

(2) Two or more boards may enter into an agreement for a specified period whereby one of the boards may acquire by purchase or by lease land in any municipality or territory without municipal organization in Ontario for the purpose of conducting a natural science program and other out-of-classroom programs and, for such purposes, such board may, with the approval of the Minister, build and operate the necessary facilities.

Taxation

(3) All land acquired by a board under subsection 1 or 2, so long as it is held by the board and is not situated,

(a) within the jurisdiction of the board or within the jurisdiction of another board with which the board has entered into an agreement under subsection 2; or

(b) in the case of a separate school board within the area designated in respect of such board by regulation made under subsection 2 of section 81 of *The Separate Schools Act*,

R.S.O. 1970,  
c. 430

is subject to taxation for municipal and school purposes in the municipality in which it is situate.

Agreements  
with con-  
servation  
authorities,  
etc.

(4) A board may enter into an agreement with a conservation or other appropriate authority under which the board may, with the approval of the Minister, construct and maintain on lands owned by the authority the necessary facilities for the purpose of conducting a natural science program or other out-of-classroom program.

Idem

(5) A board that conducts a natural science, conservation or other out-of-classroom program may enter into an agreement with a conservation or other appropriate authority for the use of the facilities and personnel of such authority for the purpose of conducting such a program as directed by the board.



**30.** Subclause iv of clause *i* of subsection 1 of section 70 <sup>s. 70(1)(iv),  
repealed</sup> of the said Act is repealed.

**31.** Subsection 1 of section 71 of the said Act, as amended <sup>s. 71(1),  
amended</sup> by the Statutes of Ontario, 1971, chapter 90, section 9, is further amended by inserting after "bank", in the fourth line "or from a trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*".

**32.**—(1) Section 72 of the said Act, as amended by the <sup>s. 72,  
amended</sup> Statutes of Ontario, 1971, chapter 90, section 10, is further amended by adding thereto the following subsections:

(2) Subject to subsection 2*a*, where a board provides <sup>Fees from  
another board  
re high-cost  
courses</sup> for a pupil whose fee is receivable from another board, from Canada or from Ontario, education in a secondary school program that includes high-cost courses that qualify in a school year for three or more credits toward the Secondary School Graduation Diploma, the fee shall be determined by multiplying the fee calculated under subsection 1 by a factor to be agreed upon between the boards or parties concerned.

(2*a*) Subsection 2 shall not apply where education is <sup>Where subs. 2  
not to apply</sup> provided for all the secondary school pupils from a specified area,

(*a*) under section 43 of *The Secondary Schools and Boards of Education Act*; or <sup>R.S.O. 1970,  
c. 425</sup>

(*b*) pursuant to an agreement made under subsection 1 of section 60 of *The Secondary Schools and Boards of Education Act*.

(2*b*) Where a question arises between the boards or parties concerned as to the application of subsection 2 to the fee in respect of a pupil, such question shall be submitted to a board of arbitration of three arbitrators, one arbitrator appointed by each board or party concerned and a third appointed by the Minister, and the decision of the arbitrators or a majority of them is binding upon the boards or parties and is final. <sup>Dispute as  
to application  
of subs. 2</sup>

(2) Subsection 3*a* of the said section 72, as enacted by the <sup>s. 72 (3*a*),  
amended</sup> Statutes of Ontario, 1971, chapter 90, section 10, subsection 5, is amended by striking out "subsection 3" in the third line and inserting in lieu thereof "subsections 3 and 7".

s. 72,  
amended

(3) The said section 72 is further amended by adding thereto the following subsections:

Pupil whose  
parent not  
Ontario  
resident

- (6) Notwithstanding subsection 4, where a board provides instruction for a pupil in respect of whom fees are required to be paid and whose parent or guardian does not reside in Ontario, the fees payable by or on behalf of the pupil shall be such as the board may prescribe, but shall not exceed the fees calculated as provided in subsection 1, except that the financial data and attendance used in such calculation shall be in respect of the year preceding the year in which the pupil is enrolled.

Idem

- (7) Notwithstanding clause *b* of subsection 3, where a board provides instruction in a special education class for a pupil in respect of whom fees are required to be paid and whose parent or guardian does not reside in Ontario, the fee shall be such as the board may prescribe, but shall not exceed the product obtained by multiplying the fee calculated under subsection 1, except that the financial and attendance data used in the calculation shall be in respect of the year immediately preceding the year in which the pupil is enrolled, by the ratio of 30 for an elementary school pupil or of 20 for a secondary school pupil, as the case may be, to the maximum enrolment for such special education class under the regulations, but such ratio shall not be less than one.

s. 73,  
amended

**33.** Section 73 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 90, section 11, is further amended by adding thereto the following subsection:

Where  
difference  
not dealt  
with under  
subss. 2, 3.

- (4) Where a difference referred to in subsection 2 was not dealt with by a board in accordance with subsection 2 or 3 before the 1st day of January, 1972, such difference shall be dealt with by the board as if it had been first ascertained in the year 1972.

s. 85 (2),  
re-enacted

**34.**—(1) Subsection 2 of section 85 of the said Act is repealed and the following substituted therefor:

Separate  
school  
board

- (2) In the case of a separate school board,

- (a) where the Diocesan Council or Councils of the Federation of Catholic Parent-Teacher Associations of Ontario organized in the area of jurisdiction of the board so recommend, the board shall appoint to the committee one person selected by the Council or Councils;

- (b) where the Federation des Associations de Parents et Instituteurs de langue française de l'Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint one person selected by the regional section and, where there is no regional section, by the local section of such Federation; and
- (c) where no recommendation and appointment is made under clause *a*, a recommendation and appointment of two persons may be made under clause *b* and, where no recommendation and appointment is made under clause *b*, a recommendation and appointment of two persons may be made under clause *a*.

(2) Subsection 3 of the said section 85 is amended by <sup>s. 85 (3), amended</sup> striking out "and" at the end of clause *b*, by striking out clause *c* and by inserting in lieu thereof the following:

- (c) where the Federation des Associations de Parents et Instituteurs de langue française de l'Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint one person selected by the regional section and, where there is no regional section, by the local section of such Federation; and
- (d) where no appointment is made under any two of clauses *a*, *b* or *c*, two members may be appointed under the remaining clause.

**35.** Subsection 1 of section 102 of the said Act is amended <sup>s. 102 (1), amended</sup> by striking out "*The Public Schools Act*" in the first line.

**36.**—(1) This Act, except subsection 1 of section 1, sub-<sup>Commence-ment</sup> section 2 of section 7, section 14, subsection 1 of section 17, subsections 4 and 6 of section 18 and sections 19, 21, 22, 24, 26, 32, 33 and 34, comes into force on the day it receives Royal Assent.

(2) Subsection 6 of section 18 and sections 19 and 33 shall <sup>Idem</sup> be deemed to have come into force on the 1st day of January, 1972.

(3) Subsection 1 of section 1, subsection 2 of section 7, <sup>Idem</sup> section 14 and subsections 2 and 3 of section 32 come into force on the 1st day of September, 1972.



- Idem (4) Subsection 1 of section 17, subsection 4 of section 18, sections 21, 22 and 24, subsection 1 of section 32 and section 34 come into force on the 1st day of January, 1973.
- Idem (5) Section 26 comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- Short title **37.** This Act may be cited as *The Schools Administration Amendment Act, 1972*.



An Act to amend  
The Schools Administration Act

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*1st Reading*

May 15th, 1972

*2nd Reading*

May 25th, 1972

*3rd Reading*

June 21st, 1972

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THE HON. T. L. WELLS  
Minister of Education

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CAZON  
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-B56

Government  
Publications

**BILL 129**

**Government Bill**

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2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

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## **An Act to regulate Riding Horse Establishments**

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THE HON. W. A. STEWART  
Minister of Agriculture and Food

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TORONTO

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#### EXPLANATORY NOTE

The purpose of the Bill is to regulate the operation of premises where horses are let out for hire or used in providing instruction in riding and the principal provisions include the following:

1. Persons who operate riding horse establishments are required to be licensed and the qualifications to be met by an applicant for such licence are specified and the grounds for suspending or revoking licences are set out.
2. An appeal from the refusal to issue or renew a licence or from the suspension or revocation of a licence is provided to the Riding Horse Establishment Licence Review Board and from that board to the Supreme Court.
3. The transfer of horses by the operator of a riding horse establishment away from his premises is prohibited except under certain circumstances.
4. Provision is made for the inspection of riding horse establishments and regulations will prescribe the facilities and equipment required, the standard of care to be maintained, and related matters.

BILL 129

1972

## An Act to regulate Riding Horse Establishments

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means the Riding Horse Establishment Licence Review Board;
- (b) "Director" means the Director of the Veterinary Services Branch of the Ministry of Agriculture and Food;
- (c) "foal" means a young horse;
- (d) "horse" means any animal of the equine species;
- (e) "inspector" means an inspector appointed under this Act;
- (f) "licence" means a licence under this Act;
- (g) "Minister" means the Minister of Agriculture and Food;
- (h) "regulations" means the regulations made under this Act;
- (i) "riding horse establishment" means premises where horses are kept that are let out on hire for riding or used in providing instruction in riding for payment or both;
- (j) "veterinarian" means a person registered under *The Veterinarians Act*.

R.S.O. 1970,  
c. 480

**2.** —(1) There is hereby established a board to be known as the Riding Horse Establishment Licence Review Board that

Riding Horse  
Establish-  
ment  
Licence  
Review Board  
established

shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, none of whom shall be members of the public service in the employ of the Ministry of Agriculture and Food, and who shall hold office during pleasure.

Chairman  
and vice-  
chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(3) A majority of the members of the Board constitutes a quorum.

Remunera-  
tion

(4) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

Licence

**3.**—(1) No person shall commence or continue to be the operator of a riding horse establishment without a licence therefor from the Director.

Requirements  
for licence

(2) No person shall be granted a licence as the operator of a riding horse establishment unless he,

- (a) or the staff in his employ, is experienced in the proper care and handling of horses; and
- (b) possesses all vehicles, tools, implements, equipment, buildings and dietary materials necessary to properly care for and handle horses on his premises.

Suspension or  
revocation of  
licence

(3) A licence may be suspended or revoked where,

- (a) the licensee has not properly maintained any of the facilities, equipment or materials referred to in clause *b* of subsection 2; or
- (b) the licensee or any person employed by him or associated with him in connection with his operation as licensee has failed to observe or carry out the provisions of,
  - (i) this Act or the regulations, or
  - (ii) any other Act relating to cruelty, maltreatment or neglect of animals.

Issue of  
licence

**4.**—(1) Subject to section 10, the Director shall issue a licence as an operator of a riding horse establishment to an applicant therefor unless, in his opinion, the applicant does not comply with clauses *a* and *b* of subsection 2 of section 3.



(2) Every licence shall have noted thereon the location of any premises used by the licensee for a riding horse establishment. Location of premises to be noted on licence

(3) Where the Director is of the opinion that an applicant for a licence as an operator of a riding horse establishment does not comply with clauses *a* and *b* of subsection 2 of section 3, he may, after a hearing, refuse to issue the licence. Refusal of licence

(4) Subject to subsection 5, the Director shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee. Renewal

(5) Where the Director is of the opinion, in the case of a licensee, that clause *a* or *b* of subsection 3 of section 3 applies, he may, after a hearing, refuse to renew or may suspend or revoke the licence. Refusal to renew or suspension or revocation of licence

(6) Notwithstanding subsection 5, the Director, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of, or the prevention of cruelty or maltreatment to, or neglect of any animal and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act and the regulations. Idem

(7) Subject to subsection 6, where, within the time prescribed therefor, or if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee and has observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application. Continuation of licence pending renewal

**5.—**(1) The notice of a hearing by the Director under section 4 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence. Notice of hearing

(2) The applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

Variation of  
decision by  
Director

6. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing, he may, at any time on his own motion or on the application of the person who was the applicant or licensee, vary or rescind his decision, but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

Appeal to  
Board

7.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may, by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director, appeal to the Board.

Extension of  
time for  
appeal

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Disposal of  
appeal

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licences should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director.

Effect of  
decision  
pending  
disposal of  
appeal

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.

Parties

8.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Members  
making  
decision  
not to have  
taken part in  
investigation,  
etc.

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

(3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence

(4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47

(5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision

**9.**—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court. Appeal to court

(2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section. Minister entitled to be heard

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal. Record to be filed in court

(4) An Appeal under this section may be made on any question of law or fact or both and the court may confirm or alter the decision of the Board or direct the Director to do any act the Director is authorized to do under this Act and as the court considers proper and the court may substitute its opinion for that of the Board. Powers of court on appeal

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of. Effect of decision of Board pending disposal of appeal

**10.** The Director shall not issue a licence to any person who formerly held a licence as an operator of a riding horse establishment and whose licence was revoked less than one year before the date of the application. When licence not to issue

**11.**—(1) The Minister may appoint a chief inspector and such other inspectors as he considers necessary, and, notwithstanding any other Act, such inspectors have exclusive Appointment of chief inspector and inspectors

authority to initiate proceedings to enforce the provisions of this Act and the regulations.

Certificate of  
appointment

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Powers of  
inspector

(3) Subject to subsections 4, 5, 6 and 7, an inspector may, for the purpose of carrying out his duties under this Act,

- (a) enter any premises, car, truck or other conveyance in which he believes on reasonable and probable grounds there are horses that are used, or that are intended to be used, in connection with a riding horse establishment or any foals, and inspect the premises, car, truck or other conveyance, any facilities or equipment therein and any horse therein; and
- (b) demand the production or furnishing by the owner or custodian thereof of any books, records or documents or extracts therefrom relating to horses that he believes on reasonable and probable grounds are used or intended to be used in connection with a riding horse establishment or any foals.

When powers  
to be  
exercised

(4) An inspector shall exercise his powers under subsection 3 only between sunrise and sunset, but nothing in this section affects the issuance and execution of a warrant under section 16 of *The Summary Convictions Act*.

R.S.O. 1970,  
c. 450

Production  
and photo-  
copying of  
records, etc.

(5) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Certification  
of photocopy

(6) Where a book, record, document or extract has been photocopied under subsection 5, a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection 5 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Demand to  
be in  
writing

(7) Where an inspector makes a demand under clause *b* of subsection 3, the demand shall be in writing and shall



include a statement of the nature of the books, records, documents or extracts required.

(8) *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955*, does not apply in respect of horses in the possession of a licensed operator of a riding horse establishment. <sup>1955, c. 58, not to apply</sup>

**12.** No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information. <sup>Obstruction of inspector</sup>

**13.—(1)** No person who is the holder of a licence as an operator of a riding horse establishment shall cause or permit any horse to be absent from a location noted on his licence where he knows or ought reasonably to know that such horse while absent will be used for riding for hire or used in providing instruction in riding unless, <sup>Absence of horse from location noted on licence</sup>

- (a) the horse is transferred to a riding horse establishment in respect of which a licence has been issued to the operator therefor;
- (b) the total length of time that the horse is absent from a location noted on the licence does not exceed three full days in any seven-day period;
- (c) the place to which the horse is transported is a fair or exhibition held under the auspices of an agricultural society;
- (d) there is a sale of the horse to a *bona fide* purchaser for value; or
- (e) he has a permit therefor issued by the Director in the manner prescribed by the regulations.

(2) Where a horse is absent in accordance with subsection 1 and the licensee, subsequent to the commencement of the absence, contravenes any of the provisions of subsection 1, whether as a result of revocation of the permit referred to in clause *e* of subsection 1 or otherwise, the licensee shall forthwith transport such horse, or cause it to be transported, to a location noted on his licence. <sup>Return of horse to location noted on licence</sup>

(3) Where a horse is required to be transported under subsection 2 and a veterinarian has examined the horse and has advised in writing that it is not in the best interest of the horse to be transported forthwith, the licensee shall transport the horse, or cause it to be transported, to a <sup>Idem</sup>

location noted on his licence at such later time as the veterinarian may designate.

Transfer of  
possession  
of foals

**14.** No person who is the holder of a licence as an operator of a riding horse establishment shall transfer possession to any other person of a foal that is less than ninety days old unless,

- (a) the dam thereof has died;
- (b) possession of the dam is transferred with the foal to the same person; or
- (c) he has a permit for the transfer of possession of foals issued by the Director in the manner prescribed in the regulations.

Prohibition

**15.** No person shall, with respect to any horse from a riding horse establishment,

- (a) at a time when the horse is in such a condition that its riding would be likely to cause suffering to the horse, let out the horse for hire for riding or use it for providing instruction in riding for payment or for the purpose of demonstrating riding;
- (b) let out for hire for riding or use for providing instruction in riding for payment or for the purpose of demonstrating riding any horse less than three years old or any mare heavy with foal or any mare within ninety days after foaling except where the foal has died but in no case less than twenty-one days after foaling;
- (c) supply for the horse any equipment that is subject to defect in condition or design that is apparent on inspection and is likely to cause suffering to the horse;
- (d) fail to provide such care and attention as may be suitable for a horse that is ill or injured;
- (e) knowingly permit the horse to be ridden by any person who abuses or causes suffering, or is likely to abuse or cause suffering, to the horse;
- (f) in operating the riding horse establishment knowingly permit any person whose licence as an operator of a riding horse establishment is suspended or was revoked less than one year previously, to have control or management of the riding horse establishment; or

- (g) with intent or avoid inspection, conceal or cause to be concealed the horse.

**16.** Where horses are used for riding or used in providing <sup>Application</sup> instruction in riding as a part of an enterprise where other services are rendered for which payment is made and no specific charge is made or payment required in respect of the use of any such horse, such horse shall be deemed to be let out on hire for riding or used in providing instruction in riding for payment, as the case may be.

**17.—(1)** Every person who contravenes any of the pro-<sup>Offence</sup>visions of this Act or the regulations, other than a regulation made under clause *j* or *k* of section 19, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both, and for a subsequent offence to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months or to both.

(2) Every person who contravenes the provisions of a <sup>Idem</sup> regulation made under clause *j* or *k* of section 19, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$25 and for a subsequent offence to a fine of not more than \$100.

**18.** Where it is made to appear from the material filed <sup>Injunction proceedings</sup> or evidence adduced that any offence against this Act or the regulations or against any Act relating to cruelty, maltreatment or neglect of animals has been or is being committed by any person who is the operator of a riding horse establishment or who is employed by or associated with any such person, the Supreme Court may, upon the application of the Director, enjoin any such person from being engaged in any way in the operation of a riding horse establishment absolutely or for such period as seems just.

**19.** The Lieutenant Governor in Council may make <sup>Regulations</sup> regulations,

- (a) providing for the manner of issuing licences, prescribing their duration and the fees payable therefor;
- (b) prescribing further procedures for hearings before the Board;
- (c) providing for the issuing by the Director to a licensed operator of a riding horse establishment of a permit for the absence of a horse from a location noted on his licence and prescribing the terms and conditions for the issuing and revocation of such permits;



- (d) providing for the issuing by the Director to a licensed operator of a riding horse establishment of a permit for the transfer of possession of foals and prescribing the terms and conditions for the issuing and revocation of such permits;
- (e) prescribing the buildings, facilities and equipment to be provided by the operator of a riding horse establishment;
- (f) prescribing the degree and nature of supervision to be provided by the operator of a riding horse establishment over persons employed by or associated with him in the operation of the riding horse establishment and prescribing qualifications required of such persons;
- (g) prescribing standards for the health, welfare and care of horses, or any class thereof, in connection with a riding horse establishment;
- (h) prescribing facilities and equipment for the transportation of horses that are used or are intended to be used in connection with a riding horse establishment;
- (i) classifying riding horse establishments, requiring the operators of any class of riding horse establishment to provide for the services of a veterinarian in connection with the care of horses and prescribing the terms and conditions on which such services shall be provided in respect of any such class;
- (j) prescribing the records to be made and kept by the operator of a riding horse establishment or any class thereof and prescribing the places at which such records shall be kept;
- (k) prescribing methods for the identification of horses;
- (l) prescribing the facilities and equipment to be provided and maintained by the operator of a riding horse establishment for use in preventing or fighting fires;
- (m) prescribing forms and providing for their use.

Commence-  
ment

**20.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**21.** This Act may be cited as *The Riding Horse Establishments Act, 1972*.







An Act to regulate  
Riding Horse Establishments

---

*1st Reading*

May 15th, 1972

*2nd Reading*

*3rd Reading*

---

THE HON. W. A. STEWART  
Minister of Agriculture and Food

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*(Government Bill)*

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**BILL 129**

*Government  
Publications*

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972

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**An Act to regulate Riding Horse Establishments**



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THE HON. W. A. STEWART  
Minister of Agriculture and Food

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TORONTO

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BILL 129

1972

## An Act to regulate Riding Horse Establishments

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means the Riding Horse Establishment Licence Review Board;
- (b) "Director" means the Director of the Veterinary Services Branch of the Ministry of Agriculture and Food;
- (c) "foal" means a young horse;
- (d) "horse" means any animal of the equine species;
- (e) "inspector" means an inspector appointed under this Act;
- (f) "licence" means a licence under this Act;
- (g) "Minister" means the Minister of Agriculture and Food;
- (h) "regulations" means the regulations made under this Act;
- (i) "riding horse establishment" means premises where horses are kept that are let out on hire for riding or used in providing instruction in riding for payment or both;
- (j) "veterinarian" means a person registered under *The Veterinarians Act*.

R.S.O. 1970,  
c. 480

**2.** —(1) There is hereby established a board to be known as the Riding Horse Establishment Licence Review Board that

Riding Horse  
Establish-  
ment  
Licence  
Review Board  
established

shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, none of whom shall be members of the public service in the employ of the Ministry of Agriculture and Food, and who shall hold office during pleasure.

Chairman  
and vice-  
chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(3) A majority of the members of the Board constitutes a quorum.

Remunera-  
tion

(4) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

Licence

**3.—**(1) No person shall commence or continue to be the operator of a riding horse establishment without a licence therefor from the Director.

Requirements  
for licence

(2) No person shall be granted a licence as the operator of a riding horse establishment unless he,

- (a) or the staff in his employ, is experienced in the proper care and handling of horses; and
- (b) possesses all vehicles, tools, implements, equipment, buildings and dietary materials necessary to properly care for and handle horses on his premises.

Suspension or  
revocation of  
licence

(3) A licence may be suspended or revoked where,

- (a) the licensee has not properly maintained any of the facilities, equipment or materials referred to in clause *b* of subsection 2; or
- (b) the licensee or any person employed by him or associated with him in connection with his operation as licensee has failed to observe or carry out the provisions of,
  - (i) this Act or the regulations, or
  - (ii) any other Act relating to cruelty, maltreatment or neglect of animals.

Issue of  
licence

**4.—**(1) Subject to section 10, the Director shall issue a licence as an operator of a riding horse establishment to an applicant therefor unless, in his opinion, the applicant does not comply with clauses *a* and *b* of subsection 2 of section 3.

(2) Every licence shall have noted thereon the location of any premises used by the licensee for a riding horse establishment. Location of premises to be noted on licence

(3) Where the Director is of the opinion that an applicant for a licence as an operator of a riding horse establishment does not comply with clauses *a* and *b* of subsection 2 of section 3, he may, after a hearing, refuse to issue the licence. Refusal of licence

(4) Subject to subsection 5, the Director shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee. Renewal

(5) Where the Director is of the opinion, in the case of a licensee, that clause *a* or *b* of subsection 3 of section 3 applies, he may, after a hearing, refuse to renew or may suspend or revoke the licence. Refusal to renew or suspension or revocation of licence

(6) Notwithstanding subsection 5, the Director, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Director's opinion it is necessary to do so for the immediate protection of the safety or health of, or the prevention of cruelty or maltreatment to, or neglect of any animal and the Director so states in such notice giving his reasons therefor, and thereafter the Director shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or revoked under this Act and the regulations. Idem

(7) Subject to subsection 6, where, within the time prescribed therefor, or if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee and has observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application. Continuation of licence pending renewal

**5.—**(1) The notice of a hearing by the Director under section 4 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence. Notice of hearing

(2) The applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

Variation of  
decision by  
Director

**6.** Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing, he may, at any time on his own motion or on the application of the person who was the applicant or licensee, vary or rescind his decision, but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

Appeal to  
Board

**7.—(1)** Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may, by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director, appeal to the Board.

Extension of  
time for  
appeal

**(2)** The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Disposal of  
appeal

**(3)** Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *denovo* to determine whether the licence should be issued, renewed, suspended or revoked and may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director.

Effect of  
decision  
pending  
disposal of  
appeal

**(4)** Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs, the decision of the Director is effective until the appeal is disposed of.

Parties

**8.—(1)** The Director, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Members  
making  
decision  
not to have  
taken part in  
investigation,  
etc.

**(2)** Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.



(3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence

(4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47

(5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision

**9.**—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court. Appeal to court

(2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section. Minister entitled to be heard

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal. Record to be filed in court

(4) An Appeal under this section may be made on any question of law or fact or both and the court may confirm or alter the decision of the Board or direct the Director to do any act the Director is authorized to do under this Act and as the court considers proper and the court may substitute its opinion for that of the Board. Powers of court on appeal

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of. Effect of decision of Board pending disposal of appeal

**10.** The Director shall not issue a licence to any person who formerly held a licence as an operator of a riding horse establishment and whose licence was revoked less than one year before the date of the application. When licence not to issue

**11.**—(1) The Minister may appoint a chief inspector and such other inspectors as he considers necessary, and, notwithstanding any other Act, such inspectors have exclusive Appointment of chief inspector and inspectors

authority to initiate proceedings to enforce the provisions of this Act and the regulations.

Certificate of  
appointment

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Powers of  
inspector

(3) Subject to subsections 4, 5, 6 and 7, an inspector may, for the purpose of carrying out his duties under this Act,

- (a) enter any premises, car, truck or other conveyance in which he believes on reasonable and probable grounds there are horses that are used, or that are intended to be used, in connection with a riding horse establishment or any foals, and inspect the premises, car, truck or other conveyance, any facilities or equipment therein and any horse therein; and
- (b) demand the production or furnishing by the owner or custodian thereof of any books, records or documents or extracts therefrom relating to horses that he believes on reasonable and probable grounds are used or intended to be used in connection with a riding horse establishment or any foals.

When powers  
to be  
exercised

(4) An inspector shall exercise his powers under subsection 3 only between sunrise and sunset, but nothing in this section affects the issuance and execution of a warrant under section 16 of *The Summary Convictions Act*.

R.S.O. 1970,  
c. 450

Production  
and photo-  
copying of  
records, etc.

(5) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Certification  
of photocopy

(6) Where a book, record, document or extract has been photocopied under subsection 5, a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection 5 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Demand to  
be in  
writing

(7) Where an inspector makes a demand under clause *b* of subsection 3, the demand shall be in writing and shall

include a statement of the nature of the books, records, documents or extracts required.

(8) *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955*, does not apply in respect of horses in the possession of a licensed operator of a riding horse establishment. <sup>1955, c. 58,  
not to apply</sup>

**12.** No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information. <sup>Obstruction  
of inspector</sup>

**13.**—(1) No person who is the holder of a licence as an operator of a riding horse establishment shall cause or permit any horse to be absent from a location noted on his licence where he knows or ought reasonably to know that such horse while absent will be used for riding for hire or used in providing instruction in riding unless, <sup>Absence of  
horse from  
location  
noted on  
licence</sup>

- (a) the horse is transferred to a riding horse establishment in respect of which a licence has been issued to the operator therefor;
- (b) the total length of time that the horse is absent from a location noted on the licence does not exceed three full days in any seven-day period;
- (c) the place to which the horse is transported is a fair or exhibition held under the auspices of an agricultural society;
- (d) there is a sale of the horse to a *bona fide* purchaser for value; or
- (e) he has a permit therefor issued by the Director in the manner prescribed by the regulations.

(2) Where a horse is absent in accordance with subsection 1 and the licensee, subsequent to the commencement of the absence, contravenes any of the provisions of subsection 1, whether as a result of revocation of the permit referred to in clause *e* of subsection 1 or otherwise, the licensee shall forthwith transport such horse, or cause it to be transported, to a location noted on his licence. <sup>Return of  
horse to  
location  
noted on  
licence</sup>

(3) Where a horse is required to be transported under subsection 2 and a veterinarian has examined the horse and has advised in writing that it is not in the best interest of the horse to be transported forthwith, the licensee shall transport the horse, or cause it to be transported, to a <sup>Idem</sup>



location noted on his licence at such later time as the veterinarian may designate.

Transfer of  
possession  
of foals

**14.** No person who is the holder of a licence as an operator of a riding horse establishment shall transfer possession to any other person of a foal that is less than ninety days old unless,

- (a) the dam thereof has died;
- (b) possession of the dam is transferred with the foal to the same person; or
- (c) he has a permit for the transfer of possession of foals issued by the Director in the manner prescribed in the regulations.

Prohibition

**15.** No person shall, with respect to any horse from a riding horse establishment,

- (a) at a time when the horse is in such a condition that its riding would be likely to cause suffering to the horse, let out the horse for hire for riding or use it for providing instruction in riding for payment or for the purpose of demonstrating riding;
- (b) let out for hire for riding or use for providing instruction in riding for payment or for the purpose of demonstrating riding any horse less than three years old or any mare heavy with foal or any mare within ninety days after foaling except where the foal has died but in no case less than twenty-one days after foaling;
- (c) supply for the horse any equipment that is subject to defect in condition or design that is apparent on inspection and is likely to cause suffering to the horse;
- (d) fail to provide such care and attention as may be suitable for a horse that is ill or injured;
- (e) knowingly permit the horse to be ridden by any person who abuses or causes suffering, or is likely to abuse or cause suffering, to the horse;
- (f) in operating the riding horse establishment knowingly permit any person whose licence as an operator of a riding horse establishment is suspended or was revoked less than one year previously, to have control or management of the riding horse establishment; or

- (g) with intent or avoid inspection, conceal or cause to be concealed the horse.

**16.** Where horses are used for riding or used in providing <sup>Application</sup> instruction in riding as a part of an enterprise where other services are rendered for which payment is made and no specific charge is made or payment required in respect of the use of any such horse, such horse shall be deemed to be let out on hire for riding or used in providing instruction in riding for payment, as the case may be.

**17.—(1)** Every person who contravenes any of the pro- <sup>Offence</sup>visions of this Act or the regulations, other than a regulation made under clause *j* or *k* of section 19, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both, and for a subsequent offence to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months or to both.

**(2)** Every person who contravenes the provisions of a <sup>Idem</sup> regulation made under clause *j* or *k* of section 19, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$25 and for a subsequent offence to a fine of not more than \$100.

**18.** Where it is made to appear from the material filed <sup>Injunction proceedings</sup> or evidence adduced that any offence against this Act or the regulations or against any Act relating to cruelty, maltreatment or neglect of animals has been or is being committed by any person who is the operator of a riding horse establishment or who is employed by or associated with any such person, the Supreme Court may, upon the application of the Director, enjoin any such person from being engaged in any way in the operation of a riding horse establishment absolutely or for such period as seems just.

**19.** The Lieutenant Governor in Council may make <sup>Regulations</sup> regulations,

- (a) providing for the manner of issuing licences, prescribing their duration and the fees payable therefor;
- (b) prescribing further procedures for hearings before the Board;
- (c) providing for the issuing by the Director to a licensed operator of a riding horse establishment of a permit for the absence of a horse from a location noted on his licence and prescribing the terms and conditions for the issuing and revocation of such permits;

- (d) providing for the issuing by the Director to a licensed operator of a riding horse establishment of a permit for the transfer of possession of foals and prescribing the terms and conditions for the issuing and revocation of such permits;
- (e) prescribing the buildings, facilities and equipment to be provided by the operator of a riding horse establishment;
- (f) prescribing the degree and nature of supervision to be provided by the operator of a riding horse establishment over persons employed by or associated with him in the operation of the riding horse establishment and prescribing qualifications required of such persons;
- (g) prescribing standards for the health, welfare and care of horses, or any class thereof, in connection with a riding horse establishment;
- (h) prescribing facilities and equipment for the transportation of horses that are used or are intended to be used in connection with a riding horse establishment;
- (i) classifying riding horse establishments, requiring the operators of any class of riding horse establishment to provide for the services of a veterinarian in connection with the care of horses and prescribing the terms and conditions on which such services shall be provided in respect of any such class;
- (j) prescribing the records to be made and kept by the operator of a riding horse establishment or any class thereof and prescribing the places at which such records shall be kept;
- (k) prescribing methods for the identification of horses;
- (l) prescribing the facilities and equipment to be provided and maintained by the operator of a riding horse establishment for use in preventing or fighting fires;
- (m) prescribing forms and providing for their use.

Commence-  
ment

**20.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**21.** This Act may be cited as *The Riding Horse Establishments Act, 1972*.







An Act to regulate  
Riding Horse Establishments

---

*1st Reading*

May 15th, 1972

*2nd Reading*

May 25th, 1972

*3rd Reading*

May 25th, 1972

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THE HON. W. A. STEWART  
Minister of Agriculture and Food

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CA20N  
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-B56

Government  
Publications

**BILL 130**

**Government Bill**

2ND SESSION, 29TH LEGISLATURE, ONTARIO  
21 ELIZABETH II, 1972 **III**

## **An Act to amend The Dead Animal Disposal Act**

THE HON. W. A. STEWART  
Minister of Agriculture and Food



#### EXPLANATORY NOTES

SECTION 1. Section 1 of the Act is revised in conformity with the remaining sections of the Bill.

SECTION 2. The amendment clarifies under what circumstances the Act does not apply to a dead animal.

SECTION 3. Self-explanatory.

## BILL 130

1972

**An Act to amend The Dead Animal Disposal Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *aa* of section 1 of *The Dead Animal Disposal Act*, being chapter 105 of the Revised Statutes of Ontario, 1970, as relettered by the Statutes of Ontario, 1971, chapter 50, section 26, subsection 1, is repealed and the following substituted therefor: <sup>s. 1 (aa), re-enacted</sup>

(*aa*) “broker” means a person engaged in the business of buying meat obtained from a dead animal and re-selling such meat in uncooked form;

(*ab*) “collector” means a person engaged in the business of collecting dead animals.

(2) Clause *b* of the said section 1 is repealed and the following substituted therefor: <sup>s. 1 (b), re-enacted</sup>

(*b*) “dead animal” means the carcass, or any part thereof, of a horse, goat, sheep, swine or head of cattle that has died from any cause other than slaughter.

**2.** Clause *b* of section 2 of the said Act is repealed and the following substituted therefor: <sup>s. 2 (b), re-enacted</sup>

(*b*) dead animals while held for post mortem examination, investigation or loss adjustment.

**3.** Subsection 1 of section 3 of the said Act is repealed and the following substituted therefor: <sup>s. 3 (1), re-enacted</sup>

(1) The owner of a dead animal shall dispose of it <sup>Responsibility of owner</sup> within forty-eight hours of its death,

(*a*) by burying it with a covering of at least two feet of earth; or

(b) by the services of a person licensed as a collector under this Act.

s. 4 (2),  
re-enacted

**4.** Subsection 2 of section 4 of the said Act is repealed and the following substituted therefor:

Collector

(2) No collector shall give, sell or deliver a dead animal to any person other than the holder of a licence as an operator of a receiving plant or a rendering plant under this Act.

s. 5,  
re-enacted

**5.** Section 5 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 26, subsection 2, is repealed and the following substituted therefor:

Licensing

5.—(1) No person shall engage in the business of,

(a) a broker;

(b) a collector;

(c) an operator of a receiving plant; or

(d) an operator of a rendering plant,

without a licence therefor from the Director.

Prohibition

(2) No person shall collect a dead animal unless he is the holder of a licence as a collector.

s. 7 (3),  
amended

**6.**—(1) Subsection 3 of section 7 of the said Act is amended by striking out “at the plant” in the second and third lines and inserting in lieu thereof “and of the disposal thereof”.

s. 7,  
amended

(2) The said section 7 is amended by adding thereto the following subsection:

Idem

(4) A broker shall make and keep for at least twelve months a record of all meat obtained from dead animals received by him and of the disposal thereof as prescribed in the regulations.

s. 8 (3),  
re-enacted

**7.**—(1) Subsection 3 of section 8 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 26, subsection 4, is repealed and the following substituted therefor:

Powers

(3) Subject to subsection 4, the Director or an inspector may, for the purpose of carrying out his duties under this Act,

SECTION 4. The purpose of the amendment is to ensure that collectors dispose of dead animals only to licensed plants.

SECTION 5. The licensing requirements of the Act are extended to brokers and provision is made to restrict the collection of dead animals to licensed collectors.

SECTION 6. The record-keeping requirements are enlarged for rendering plant operators and extended to brokers.

SECTION 7.—Subsection 1. Entry and inspection powers are clarified; the production of records may be required and provision is made for seizure and detention.

Subsection 2. Provision is made for the copying of documents and records.

SECTION 8. The power to make regulations is enlarged.

- (a) enter and inspect any building, premises or conveyance,
  - (i) that is used in the collecting, transporting or processing of a dead animal or meat obtained therefrom, or
  - (ii) in which he believes on reasonable and probable grounds there is a dead animal or meat obtained therefrom;
- (b) require the production or furnishing by the owner or custodian thereof of any books, records or documents, or of extracts therefrom, of persons licensed under this Act or relating to dead animals or meat obtained therefrom; and
- (c) seize, remove and detain any dead animal, or meat obtained therefrom, where he believes on reasonable and probable grounds that there is a violation of this Act or the regulations in respect thereof.

(2) The said section 8, as amended by the Statutes of <sup>s. 8, amended</sup> Ontario, 1971, chapter 50, section 26, subsections 4 and 5, is further amended by adding thereto the following subsections:

- (5) Where the Director or an inspector requires the pro-<sup>Production of records, etc.</sup>duction or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the Director or inspector and the Director or inspector may detain them for the purpose of making copies therefrom and thereafter return them to the person who produced or furnished them.
- (6) Where a copy of a book, record, document or extract <sup>Certification of copy</sup> is made under subsection 5 and is certified by a person thereunto authorized, it is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

**8.**—(1) Clause *i* of section 11 of the said Act is repealed <sup>s. 11 (i), re-enacted</sup> and the following substituted therefor:

- (i) respecting advertising by any person respecting dead animals, fallen animals or meat obtained from dead animals.



s. 11 (*k*),  
re-enacted

(2) Clause *k* of the said section 11 is repealed and the following substituted therefor:

(*k*) providing for the disposition of dead animals or any parts thereof or meat obtained therefrom.

s. 11 (*l*),  
amended

(3) Clause *l* of the said section 11 is amended by adding at the end thereof "and by brokers".

s. 11,  
amended

(4) The said section 11 is amended by adding thereto the following clause:

(*ma*) governing the seizure, removal, detention and disposal of dead animals or meat obtained therefrom for the purposes of clause *c* of subsection 3 of section 8.

Commence-  
ment

**9.** This Act comes into force on the day it receives Royal Assent.

Short title

**10.** This Act may be cited as *The Dead Animal Disposal Amendment Act, 1972*.







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An Act to amend  
The Dead Animal Disposal Act

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*1st Reading*

May 15th, 1972

*2nd Reading*

*3rd Reading*

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THE HON. W. A. STEWART  
Minister of Agriculture and Food

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*(Government Bill)*

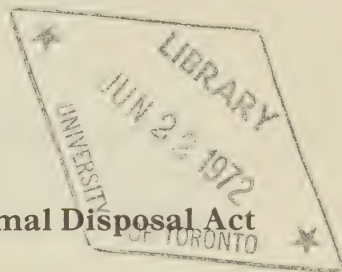
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**BILL 130**

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**An Act to amend The Dead Animal Disposal Act**



THE HON. W. A. STEWART  
Minister of Agriculture and Food

TORONTO

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## BILL 130

1972

**An Act to amend The Dead Animal Disposal Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *aa* of section 1 of *The Dead Animal Disposal Act*, being chapter 105 of the Revised Statutes of Ontario, 1970, as relettered by the Statutes of Ontario, 1971, chapter 50, section 26, subsection 1, is repealed and the following substituted therefor:

(*aa*) “broker” means a person engaged in the business of buying meat obtained from a dead animal and re-selling such meat in uncooked form;

(*ab*) “collector” means a person engaged in the business of collecting dead animals.

(2) Clause *b* of the said section 1 is repealed and the following substituted therefor:

(*b*) “dead animal” means the carcass, or any part thereof, of a horse, goat, sheep, swine or head of cattle that has died from any cause other than slaughter.

**2.** Clause *b* of section 2 of the said Act is repealed and the following substituted therefor:

(*b*) dead animals while held for post mortem examination, investigation or loss adjustment.

**3.** Subsection 1 of section 3 of the said Act is repealed and the following substituted therefor:

(1) The owner of a dead animal shall dispose of it within forty-eight hours of its death,

(*a*) by burying it with a covering of at least two feet of earth; or

(b) by the services of a person licensed as a collector under this Act.

s. 4 (2),  
re-enacted

**4.** Subsection 2 of section 4 of the said Act is repealed and the following substituted therefor:

Collector

(2) No collector shall give, sell or deliver a dead animal to any person other than the holder of a licence as an operator of a receiving plant or a rendering plant under this Act.

s. 5,  
re-enacted

**5.** Section 5 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 26, subsection 2, is repealed and the following substituted therefor:

Licensing

**5.—(1)** No person shall engage in the business of,

(a) a broker;

(b) a collector;

(c) an operator of a receiving plant; or

(d) an operator of a rendering plant,

without a licence therefor from the Director.

Prohibition

(2) No person shall collect a dead animal unless he is the holder of a licence as a collector.

s. 7 (3),  
amended

**6.—(1)** Subsection 3 of section 7 of the said Act is amended by striking out "at the plant" in the second and third lines and inserting in lieu thereof "and of the disposal thereof".

s. 7,  
amended

(2) The said section 7 is amended by adding thereto the following subsection:

Idem

(4) A broker shall make and keep for at least twelve months a record of all meat obtained from dead animals received by him and of the disposal thereof as prescribed in the regulations.

s. 8 (3),  
re-enacted

**7.—(1)** Subsection 3 of section 8 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 26, subsection 4, is repealed and the following substituted therefor:

Powers

(3) Subject to subsection 4, the Director or an inspector may, for the purpose of carrying out his duties under this Act,

(a) enter and inspect any building, premises or conveyance,

(i) that is used in the collecting, transporting or processing of a dead animal or meat obtained therefrom, or

(ii) in which he believes on reasonable and probable grounds there is a dead animal or meat obtained therefrom;

(b) require the production or furnishing by the owner or custodian thereof of any books, records or documents, or of extracts therefrom, of persons licensed under this Act or relating to dead animals or meat obtained therefrom; and

(c) seize, remove and detain any dead animal, or meat obtained therefrom, where he believes on reasonable and probable grounds that there is a violation of this Act or the regulations in respect thereof.

(2) The said section 8, as amended by the Statutes of <sup>s. 8,</sup> amended Ontario, 1971, chapter 50, section 26, subsections 4 and 5, is further amended by adding thereto the following subsections:

(5) Where the Director or an inspector requires the pro-<sup>Production of records, etc.</sup>duction or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the Director or inspector and the Director or inspector may detain them for the purpose of making copies therefrom and thereafter return them to the person who produced or furnished them.

(6) Where a copy of a book, record, document or extract<sup>Certification of copy</sup> is made under subsection 5 and is certified by a person thereunto authorized, it is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

**8.**—(1) Clause *i* of section 11 of the said Act is repealed<sup>s. 11 (i), re-enacted</sup> and the following substituted therefor:

(i) respecting advertising by any person respecting dead animals, fallen animals or meat obtained from dead animals.

s. 11 (*k*),  
re-enacted

(2) Clause *k* of the said section 11 is repealed and the following substituted therefor:

(*k*) providing for the disposition of dead animals or any parts thereof or meat obtained therefrom.

s. 11 (*l*),  
amended

(3) Clause *l* of the said section 11 is amended by adding at the end thereof "and by brokers".

s. 11,  
amended

(4) The said section 11 is amended by adding thereto the following clause:

(*ma*) governing the seizure, removal, detention and disposal of dead animals or meat obtained therefrom for the purposes of clause *c* of subsection 3 of section 8.

Commence-  
ment

**9.** This Act comes into force on the day it receives Royal Assent.

Short title

**10.** This Act may be cited as *The Dead Animal Disposal Amendment Act, 1972*.



An Act to amend  
The Dead Animal Disposal Act

*1st Reading*

May 15th, 1972

*2nd Reading*

May 25th, 1972

*3rd Reading*

May 25th, 1972

THE HON. W. A. STEWART  
Minister of Agriculture and Food

